AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-31-92
Vol. 57 No. 62

federal register

Tuesday
March 31, 1992

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

3-31-92
Vol. 57 No. 62
Pages 10801-10972

federal register

Tuesday
March 31, 1992

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC and St. Louis, MO, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** will be furnished by mail to subscribers for $340 per year in paper form; $195 per year in microfiche form; or $37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is $1.50 for each issue, or $1.50 for each group of pages as actually bound, or $175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 57 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	512-2235
Problems with public subscriptions	512-2303

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	512-2235
Problems with public single copies	512-2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	512-2235
Problems with Federal agency subscriptions	523-5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

ST. LOUIS, MO

WHEN: April 23; at 9:00 a.m.
WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO
RESERVATIONS: Call the Federal Information Center
St. Louis: 1-800-366-2998
Missouri (outside St. Louis): 1-800-735-8004

Contents

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-167-AD; Amendment 39-8211; AD 92-07-15]

Airworthinesss Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that requires the inspection and modification, if necessary, of the wing fixed inboard trailing edge upper panel, and replacement of aluminum fasteners with oversized titanium fasteners. This amendment is prompted by reports from the manufacturer indicating that aluminum fasteners were used to attach the graphite panel assembly to the wing structure. This combination of materials could lead to fastener corrosion. The actions specified by this AD are intended to prevent the separation of the fixed inboard trailing edge upper panel and consequent damage to airplane structure, hydraulic lines, and wire bundles.

DATES: Effective May 5, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 5, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes was published in the Federal Register on October 23, 1991 (56 FR 54805). That action proposed to require the inspection and modification, if necessary, of the wing fixed inboard trailing edge upper panel, and replacement of aluminum fasteners with oversized titanium fasteners.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

One commenter is concerned about the proposed requirement to verify part numbers on the affected panels, because many panels may have been painted over. Consequently, some operators may be required to sand down large areas of the panels in order to verify part numbers and this, in itself, may damage the panels. Therefore, in lieu of the visual inspection, this commenter suggests that the rule be revised to permit operators to review maintenance/purchasing records in order to determine whether a graphite panel was installed. The commenter states that it is not critical to know the panel's actual part number; it is only necessary to know whether the panel is made of graphite. The FAA agrees that instructions should be provided for those operators who are unable to determine the part numbers of the panels by a visual inspection. However, rather than providing for a review of records, the FAA considers it more appropriate that the material of the panel be determined. Paragraph (a) has been revised to include instructions for those situations where the part number of the panel is not visible; these instructions describe a method for determining whether a panel is made of graphite or fiberglass. (The manufacturer advises that it is planning to revise the applicable service information to specify similar instructions to determine panel material.)

One commenter expresses concern over the requirement to modify the graphite panels, since it involves removing the Tedlar protective film and possibly damaging the graphite plies. This commenter suggests that the rule be revised to require that the panels be modified only as necessary, based on the condition of corrosion degradation of the panel. The FAA does not agree. Removing the Tedlar protective film must be accomplished because the single ply of fiberglass will not bond to the Tedlar; therefore, exposure of the graphite is necessary. The primary concern with the graphite panels is corrosion due to the presence of dissimilar materials, namely, graphite and aluminum. In situations where these two materials are present, it is the aluminum structure (aluminum attachment fasteners and aluminum wing structure under the panel) that will be degraded. The FAA does not anticipate any degradation of the graphite panels, but is requiring that the panels be modified in order to protect the aluminum wing structure under the panel.

Two commenters request that the proposed compliance time of 15 months be extended to 18 or 24 months so that the modification could be accomplished during a regularly scheduled "C," "2C," or "3C" check. By doing so, operators would not be faced with special schedules or unnecessary downtime. The FAA concurs that the compliance time may be extended somewhat. The proposed compliance time of 15 months was selected as the interval that was considered to be the average time for scheduling a normal heavy maintenance visit for the majority of affected operators. The FAA's intent was that the modification be accomplished during such a visit, where special equipment and trained maintenance personnel would be available if necessary. The FAA is aware that maintenance schedules do vary from operator to operator and, based on the information provided by the commenters, it is apparent that 18 months is a more realistic average interval for normal

maintenance scheduling. The FAA has determined that the compliance time may be extended to 18 months without compromising safety, and has revised the final rule accordingly.

One commenter requests that the proposed compliance time be extended because of the possibility of problems in obtaining the required oversized titanium fasteners. The FAA does not concur that a parts availability problem exists. The FAA has researched the availability of the number of parts and finds that ample parts will be available for the affected fleet within the compliance time. As explained previously, however, the compliance time has been extended from the proposed 15 months to 18 months for other reasons.

The manufacturer advises that it is planning to revise the cited service bulletin to reduce the number of affected airplanes. Based on the data available, the manufacturer states that only four graphite-edged panels were released to the airlines and delivered to the "Group 1" airplanes. Three of the four panels have been identified and located; the fourth has been located within one operator's fleet, but has not yet been located on a specific airplane. Based on this information supplied by the manufacturer, the FAA has revised the applicability of the final rule to reflect a reduction in the number of affected airplanes.

By changing the applicability, the number of affected U.S.-registered airplanes is reduced from 227 (as was indicated in the notice) to 137; likewise, the number of airplanes of the affected design in the worldwide fleet is reduced from 371 to 263. The economic impact paragraph, below, has been revised to incorporate these lower figures.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 263 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 137 airplanes of U.S. registry will be affected by this AD, that it will take approximately 78 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $587,730. (This figure is $386,100 less than the total cost figure specified in the proposal.)

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-15. Boeing: Amendment 39-8211. Docket 91-NM-167-AD.

Applicability: Model 757 series airplanes; variable numbers NA010, NA011 and NA501 through NA531, and line numbers 142 through 371; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the separation of the fixed inboard trailing edge upper panel and consequent damage to airplane structure, hydraulic lines, and wire bundles, accomplish the following:

(a) For airplanes having variable numbers NA010, NA011, and NA501 through NA531: Within the next 18 months after the effective date of this AD, accomplish the procedures specified in either subparagraph (a)(1) or (a)(2) of this AD:

(1) Determine the panel assembly part number of the left and right wing in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(i) If a panel assembly part number is 113N1611-9 (left), -10 (right), -11 (left), or -12 (right): No further action is required.

(ii) If a panel assembly part number is 113N1611-13 (left), -14 (right), -15 (left), or -16 (right): Prior to further flight, modify the fixed inboard trailing edge upper panel in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(2) With the panel installed on the airplane, locate a small area on the sloped surface of the panel near one of the three edges where fasteners are installed through the panel. Sand the small area with light pressure until paint, primer, and Tedlar protective film layers are removed.

(i) If the exposed skin layer is any color other than black, no further action is required.

(ii) If the exposed skin layer is black, modify the fixed inboard trailing edge upper panel, prior to further flight, in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(b) For airplanes having line numbers 142 through 371: Within the next 18 months after the effective date of this AD, modify the fixed inboard trailing edge upper panel in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle, ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection and modifications shall be done in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective on May 5, 1992.

Issued in Renton, Washington, on March 16, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7307 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 91-CE-73-AD; Amendment 39-8219; AD 92-08-08]

Airworthiness Directives; de Havilland Model DHC-3 Otter Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine. This action requires a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and if nonexistent or incorrectly assembled, installation in accordance with the applicable service information. If the fuel condition lever lock is nonexistent or is incorrectly assembled, inadvertent engine shutdown could occur. The actions specified by this AD are intended to prevent loss of control of the airplane caused by inadvertent engine shutdown.

DATES: Effective May 18, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905; Telephone (408) 422-7866. This information may also be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Chinh Vuong, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425; Telephone (213) 988-5264; Facsimile (213) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine was published in the **Federal Register** on December 27, 1991 (56 FR 67017). The action proposed a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and installation if nonexistent or incorrectly assembled. The actions would be accomplished in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts are provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $440.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-08-08 DE HAVILLAND: Amendment 39-8219; Docket No. 91-CE-73-AD.

Applicability: Model DHC-3 Otter airplanes (all serial numbers) that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine, certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent loss of control of the airplane caused by inadvertent engine shutoff, accomplish the following:

(a) Visually inspect the Pratt & Whitney PT6A-135/135A engine to ensure that a fuel condition lever lock, part number (P/N) 20037-18, is installed and ensure that it is correctly assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(b) If a fuel condition lever lock is not installed or is not assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990, prior to further flight, install a fuel condition lever position lock, (P/N) 20037-18, in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425. The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) The installation required by this AD shall be done in accordance with Servo-Aero Service Bulletin SB001, dated July 24, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

(f) This amendment (39–8219) becomes effective on May 18, 1992.

Issued in Kansas City, Missouri, on March 25, 1992.

Richard F. Yotter,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR DOC. 92–7396 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ASO–14]

Revocation of Transition Area, Union, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Union, SC, Transition Area. The 700-foot transition was established several years ago to provide controlled airspace protection for instrument flight rules (IFR) aircraft while executing a standard instrument approach procedure (SIAP) planned for the Union County Airport. The SIAP was never implemented, nor are instrument aeronautical operations planned for the airport. Consequently, the additional controlled airspace of the transition area is not required.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Union, SC, Transition Area (56 FR 23254). Several years ago the 700-foot transition area was established to provide additional controlled airspace for protection of IFR aircraft executing a standard instrument approach procedure planned for the Union County Airport. The instrument approach procedure was never implemented, nor are instrument aeronautical operations planned for the airport. Thus, the additional controlled airspace is not required. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. The Union, SC, Transition Area was published in § 71.181 of FAA Order 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Union, SC, Transition Area. This action will raise the floor of controlled airspace from 700 feet to 1200 feet above the surface in vicinity of the Union County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Transition Areas

* * * * *

Union, SC [Removed]

* * * * *

Issued in East Point, Georgia, on March 19, 1992.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 92–7339 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Miscellaneous Rules

AGENCY: Federal Trade Commission.

ACTION: Final Rule.

SUMMARY: On August 9, 1989, the Federal Trade Commission ("FTC") requested comments on proposed amendments to its rules to reflect the amendments to the fee and fee waiver provisions of the Freedom of Information Act ("FOIA"), as embodied in the Freedom of Information Reform Act of 1986 ("Reform Act"), and guidelines promulgated by the Office of Management and Budget pursuant to the Reform Act amendments. 54 FR 32654.

Amendments were also proposed to reduce certain fees and increase others to reflect changes in, or more accurate information about, the costs of providing services, and authorize the use of credit cards to pay fees. In addition, amendments were proposed to make all of the fee and fee waiver provisions applicable not only to FOIA requests, but also to requests for public records and to requests from other government agencies seeking information for purposes other than law enforcement. To this end, Rule 4.8 is restructured to include all provisions generally relating to fees and fee waivers for agency records. Other provisions of the current rule, which pertain only to public records, are moved to Rule 4.9.

In addition to changes pertaining to fees and fee waivers, the amendments proposed changes to conform Rule 4.10 ("Nonpublic records") to the provisions of the Reform Act that expand the exemption for investigative records, and that create new categories for records that are not subject to the FOIA.

The FTC has also determined to expand existing delegations, and to authorize the Director of the Information Services Division to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the

Privacy Act, and to limit public use of copying facilities. The final rule also corrects cross-references found in Rules 4.7, 4.9, and 4.13.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Services Division, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2410.

SUPPLEMENTARY INFORMATION:

I. Previous Proposed Rule

All of the changes to the Rules that were proposed by the Commission on August 9, 1989 have been incorporated as proposed. See 54 FR 32654. No comments were received regarding those proposals, and the FTC has determined to adopt the proposals without change. Public comment is not required on either the delegation of authority or the technical corrections. See 5 U.S.C. 553(b)(A).

II. Delegation of Authority to Consider Access Requests

The Commission has also determined to expand existing delegations and authorize the Director of the Information Services Division to exercise authority that can now be exercised by the Deputy Executive Director for Planning and Information under its access rules. The Director of the Information Services Division, as well as the Deputy Executive Director for Planning and information, will therefore be authorized to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the Privacy Act, and to limit public use of copying facilities. The rules affected by this change include: Rules 4.8(c), (e), (g), and (h); Rules 4.9(a)(4); Rules 4.11(a)(1)(iii)(A), (B), and (C); Rules 4.11(a)(1)(iv)(A), (B), and (C); Rules 4.11(a)(2)(ii) (A) and (B); and Rules 4.13(e), (f), (h), (i)(1), and (j).

III. Technical Corrections

A. Rule 4.7(c)

Procedures for handling *ex parte* communications are outlined in Rule 4.7(c). That rule indicates that the Secretary shall make relevant portions of such information part of the Commission's public record and references Rule 4.8. That reference is in error. The correct reference is to Rule 4.9, which describes the types of documents that are routinely made public by the Commission. The change to Rule 4.7(c) corrects that typographical error.

B. Rule 4.9(a)(2)

In 1987 the Commission delegated authority to the General Counsel to authorize the use of nonpublic information on the basis that the use is in the public interest and will be used for teaching, lecturing, or writing purposes by Commission employees. 52 FR 34765 (September 15, 1987). That delegation of authority is found in Rule 5.12(c), 16 CFR 5.12(c). Rule 4.9(a)(2) references that rule, but was inadvertently not revised when Rule 5.12(c) was amended. The change in Rule 4.9(a)(2) corrects that oversight and clearly states that the General Counsel may make nonpublic records available under the provisions of Rule 5.12(c).

C. Rule 4.13(k)

The cross-reference citation to the Commission's fee schedule is changed to reflect the renumbering of the rule containing that fee schedule.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act.

In consideration of the foregoing, the Commission amends title 16, chapter 1, subchapter A of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

1. The authority for part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

2. Section 4.7(c)(3) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * *

(c) * * *

(3) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (c)(1) and (2) of this section. The Secretary shall make relevant portions of any such materials part of the public record of the Commission, pursuant to § 4.9, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

3. Section 4.8(a) is redesignated as § 4.9(a)(3), and amended by adding a paragraph heading before the first sentence. In addition, § 4.9 is amended by revising paragraph (a)(2) and adding paragraph (a)(4) to read as follows:

§ 4.9 Public records.

(a) * * *

(2) Records that are exempt from disclosure or are otherwise not available from the Commission's public record may be made available for inspection and copying only upon request under the procedures set forth in § 4.11, or as provided in §§ 4.10(d)–(g), 4.13, and 4.15(b)(3), by the General Counsel under § 5.12(c), or by the Commission.

* * * * *

(3) *Location of Public Records.* * * *

* * * * *

(4) *Copying of public records.*

(i) *Procedures.* Reseasonable facilities for copying public records are provided at each office of the Commission. Subject to appropriate limitations and the availability of facilities, any person may copy public records available for inspection at each of those offices. Further, the agency will provide copies to any person upon request. Written requests for copies of public records should be addressed to the Director of the Information Services Division, and should specify as clearly and accurately as reasonably possible the records desired. For records that cannot be specified with complete clarity and particularity, requesters must provide descriptions sufficient to enable qualified Commission personnel to locate the records sought. In any instance, the Commission, the Deputy Executive Director for Planning and Information, the Director of the Information Services Division, or the official in charge of each office may prohibit the use of Commission facilities to produce more than one copy of any public record, and may refuse to permit the use of such facilities for copying records that have been published or are publicly available at places other than the offices of the Commission.

(ii) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). Advance payment may be required, as provided by § 4.8(h).

(iii) *Records for sale at another government agency.* If requested materials are available for sale at a another government agency, the requester will not be provided with

copies of the materials but will be advised to obtain them from the selling agency.

4. Section 4.8 is revised to read as follows:

§ 4.8 Costs for obtaining Commission records.

(a) *Definitions.* For the purpose of this section:

(1) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents.

(2) The term *duplication* refers to the process of making a copy of a document in order to respond to a request for Commission records.

(3) The term *review* refers to the examination of documents located in response to a request to determine whether any portion of such documents may be withheld, and the reduction or other processing of documents for disclosure. Review does not include time spent resolving general legal or policy issues regarding the release of the document.

(4) The term *direct costs* means expenditures that the Commission actually incurs in processing requests. Not included in direct costs are overhead expenses such as costs of document review facilities or the costs of heating or lighting such a facility or other facilities in which records are stored. The direct costs of specific services are set forth in § 4.8(b)(6).

(b) *Fees.* User fees pursuant to 31 U.S.C. 483(a) and 5 U.S.C. 552(a) shall be charged according to this paragraph.

(1) *Commercial use requesters.* Commercial use requesters will be charged for the direct costs to search for, review, and duplicate documents. A commercial use requester is a requester who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(2) *Educational requesters, non-commercial scientific institution requesters, and representative of the news media.* Requesters in these categories will be charged for the direct costs to duplicate documents, excluding charges for the first 100 pages. An *educational institution* is a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. A *non-commercial scientific institution* is an institution that is not operated on a *commercial* basis as that term is referenced in paragraph (b)(1) of this section, and that is operated solely to conduct scientific research the results of which are not intended to promote any particular product or industry. A *representative of the news media* is any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. *News* means information that is about current events or that would be of current interest to the public.

(3) *Other requesters.* Other requesters will be charged for the direct costs to search for and duplicate documents, except that the first 100 pages of duplication and the first two hours of search time shall be furnished without charge.

(4) *Waiver of small charges.* Notwithstanding the provisions of paragraphs (b)(1), (2), and (3), charges will be waived if the total chargeable fees for a request do not exceed $5.00.

(5) *Materials available without charge.* These provisions do not apply to recent Commission decisions and other materials that may be made available to all requesters without charge while supplies last.

(6) *Schedule of direct costs.* The following uniform schedule of fees applies to records held by all constituent units of the Commission.

Duplication

Paper Copy (up to 8½" X 14")
(Reproduced by Commission staff)—$0.14 per page
(Reproduced by Requester)—$0.05 per page
Computer Paper—$0.14 per page

Microfilm Services

Film Copy—Paper to 16mm film—$0.02 per frame
Fiche Copy—Paper to 105mm fiche—$0.02 per frame + $0.23 per fiche
Film Copy—Duplication of existing 100 ft. roll of 16mm film—$3.35 per roll
Fiche Copy—Duplication of existing 105mm fiche—$0.04 per roll
Paper Copy—Converting existing 16mm film to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Paper Copy—Converting existing 105mm fiche to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Film Cassettes—$3.60 per cassette

Other Charges

Computer Tape—$18.50 per tape
Certification—$10.35 each
Express Mail—$5.00 for the first pound and $.89 for each additional pound (per request)

Search and Review Fees

Agency staff is divided into three categories: clerical, attorney/economist, and other professional. Fees for search and review are assessed on a quarter-hourly basis, and are determined by identifying the category into which the staff member(s) conducting the search or review belong(s), determining the average quarter-hourly wages of all staff members within that category, and adding 16 percent to reflect the cost of additional benefits accorded to government employees. The exact fees are calculated and announced periodically and are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580; (202) 326-2222.

(c) *Information to determine fees.* Each request for records shall set forth whether the request is made for other than commercial purposes and whether the requester is an educational institution, a noncommercial scientific institution, or a representative of the news media. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, will use this information, any additional information provided by the requester, and any other relevant information to determine the appropriate fee category in which to place the requester.

(d) *Agreement to pay fees.* (1) Each request that does not contain an application for a fee waiver shall specifically indicate the requester's willingness either:

(i) To pay, in accordance with § 4.8(b) of these rules, whatever fees may be charged for processing the request; or

(ii) A willingness to pay such fees up to a specified amount.

(2) Each request that contains an application for a fee waiver must specifically indicate:

(i) The requester's willingness to pay, in accordance with § 4.8(b) of the rules, whatever fees may be charged for processing the request;

(ii) The requester's willingness to pay fees up to a specified amount; or

(iii) That the requester is not willing to pay fees if the waiver is not granted.

(3) If the agreement required by this section is absent, and if the estimated fees exceed $25.00, the requester will be advised of the estimated fees and the request will not be processed until the requester agrees to pay such fees.

(e) *Public interest fee waivers—(1) Procedures.* A requester may apply for a waiver of fees. The requester shall

explain why a waiver is appropriate under the standards set forth in this paragraph. The application shall also include a statement, as provided by paragraph (d) of this section, of whether the requester agrees to pay costs if the waiver is denied. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, and the General Counsel or Commission on appeal, will rule on applications for fee waivers.

(2) *Standards.* (i) The first requirement for a fee waiver is that disclosure will likely contribute significantly to public understanding of the operations or activities of the government. This requirement shall be met if:

(A) The subject matter of the requested information concerns the operations or activities of the Federal government;

(B) The disclosure is likely to contribute to an understanding of these operations or activities;

(C) The understanding to which disclosure is likely to contribute is the understanding of the public at large, as opposed to the understanding of the individual requester or a narrow segment of interested persons; and

(D) The likely contribution to public understanding will be significant.

(ii) The second requirement for a fee waiver is that the request not be primarily in the commercial interest of the requester. Satisfaction of this requirement shall be determined by considering:

(A) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(B) If so, whether the public interest in disclosure is outweighed by the identified commercial interest of the requester so as to render the disclosure primarily in the requester's commercial interest.

(f) *Unsuccessful searches.* Charges may be assessed for search time even if the agency fails to locate any responsive records or if it locates only records that are determined to be exempt from disclosure.

(g) *Aggregating requests.* If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, reasonably believes that a requester, or a group of requesters acting in concert, is attempting to evade an assessment of fees by dividing a single request into a series of smaller requests, the requests may be aggregated and fees charged accordingly.

(h) *Advance payment.* If the Deputy Executive Director for Planning and Information or the Director of the Information Service Division initially, or the General Counsel or Commission on appeal, estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00, or if the requester has previously failed to pay a fee within 30 days of the date of billing, the requester may be required to pay some or all of the total estimated charge in advance. Further, the requester may be required to pay all unpaid bills, including accrued interest, prior to processing the request.

(i) *Means of payment.* Payment shall be made by check or money order payable to the Treasury of the United States, or by credit card. Procedures for paying fees by credit card are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C 20580; (202) 326–2222.

(j) *Interest charges.* The Commission will begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will accrue from the date of the billing, and will be calculated at the rate prescribed in 31 U.S.C. 3717.

(k) *Effect of the Debt Collection Act of 1982 (Pub. L. 97–365)* The Commission may pursue repayment, where appropriate, by employing the provisions of the Debt Collection Act, Public Law 97–365), including disclosure to consumer reporting agencies and use of collection agencies.

5. Section 4.10 is amended by revising paragraph (a)(5) and adding paragraph (a)(11) to read as follows:

§ 4.10 Nonpublic information

(a) * * *

(5) Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

(11) Records in an investigation or proceeding that involves a possible violation of criminal law, when there is reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the investigation could reasonably be expected to interfere with enforcement proceedings. When a request is made for records under § 4.11(a), the Commission may treat the records as not subject to the requirements of the Freedom of Information Act.

* * * * *

6. Section 4.11 is amended as follows:

a. Paragraphs (a)(1)(i)(C), (D), and (E) are revised to read as follows;

b. Paragraphs (a)(1)(iii)(A), (B), and (C) are revised to read as follows;

c. Paragraphs (a)(1)(iv)(A), (B), and (C) are revised to read as follows;

d. Paragraph (a)(2)(i)(A) is revised to read as follows;

e. Paragraph (a)(2)(ii)(B) is revised to read as follows; and

f. Paragraph (d) is amended by adding the following sentence to the end of the paragraph.

§ 4.11 Request for disclosure of records.

(a) * * *

(1) * * *

(i) * * *

(C) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). An advance payment may be required in appropriate cases as provided by § 4.8(h).

(D) *Failure to agree to pay fees.* If a request does not include an agreement to pay fees, and if the requester is notified of the estimated costs pursuant to Rule 4.8(d)(3), the request will be deemed not to have been received until

the requester agrees to pay such fees. If a requester declines to pay fees and is not granted a fee waiver, the request will be denied.

(E) *Records for sale at another government agency.* If requested materials are available for sale at another government agency, the requester will not be provided with copies of the materials but will be advised to obtain them from the selling agency.

* * * * *

(iii) *Time limit for initial determination.* (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall, within ten (10) working days of the receipt of a request, either grant or deny, in whole or in part, such request.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division may extend this time limit by not more than ten working days if such extension is:

(1) Necessary for locating records or transferring them from physically separate facilities; or

(2) Necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are sought in a single or series of closely related requests; or

(3) Necessary for consultation with another agency having a substantial interest in the determination, or for consultation among two or more components of the Commission having substantial subject matter interest therein.

(C) If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division extends the time limit for initial determination pursuant to paragraph (A)(1)(iii)(B), the requester shall be notified in accordance with 5 U.S.C. 552(A)(6)(B).

* * * * *

(iv) *Initial determination.* (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall grant access to requested records, or any portions thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552(b)), unless he determines that such records fall within a category the Commission or the General Counsel has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefore and advise the requester that this determination can be appealed to the General Counsel either because the requester believes the records are not exempt, or because the requester believes the General Counsel should exercise his discretion to release such records notwithstanding their exempt status.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director or Deputy Director of the Bureau or the Director of the Regional Office responsible for the investigation shall be the responsible official.

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not to exceed thirty days from date of notification to the requester unless the requester asks for and receives the consent of the Deputy Executive Director for Planning and Information or the Director of the Information Services Division to a longer period. Records assembled pursuant to a request will remain available only during this period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

* * * * *

(2) * * *

(i) * * *

(A) If an initial request for records is denied in its entirety, the requester may, within 30 days of the date of the determination appeal such denial to the General Counsel. If an initial request is denied in part, the time for appeal shall not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available. The appeal shall be in writing and should include a copy of the initial request and a copy of the response to that initial request, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal,
Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

* * * * *

(ii) * * *

(B) The Commission or the General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than ten (10 working days for the reasons set forth in paragraph (a)(1)(iii)(B) of this section, provided that the amount of any extension utilized during the initial consideration of the request under that subsection shall be substracted from the amount of additional time otherwise available.

* * * * *

(d) * * * Requests under this section shall be subject to the fee and fee waiver provisions of § 4.8.

* * * * *

7. Section 4.13(e), (f), (h), (i)(1), (j) and (k) are revised to read as follows:

§ 4.13 Privacy Act rules.

* * * * *

(e) *Disclosure of requested information to individuals.* Within ten (10) working days of receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records.* When the Deputy Executive Director for Planning and Information or the Director of the Information Services Division determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

* * * * *

(h) *Agency review of request for correction or amendment of record.* Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Deputy Executive Director for Planning and Information or the Director of the Information Services Division within ten (10) working days of

the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13(i).

(i) *Appeal of initial adverse agency determination.* (1) If an initial request is denied under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

* * * * *

(j) *Disclosure of record to person other than the individual to whom it pertains.* Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees.* No fees shall be charged for searching for a record, reviewing it, or for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Deputy Executive Director for Planning and Information upon payment of the reproduction fees provided in § 4.8(b)(6).

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-7238 Filed 3-30-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM89-7-001; Order No. 533-A]

Regulations Governing Submittal of Proposed Hydropower License Conditions and Other Matters

March 25, 1992.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Correction to order on rehearing of final rule.

SUMMARY: This document corrects an error in the section number of an amendment in the order on rehearing of the final rule which was published December 2, 1991 (56 FR 61137). The order addressed requests to modify the final rule adopted in this proceeding governing hydropower procedural regulations.

EFFECTIVE DATE: January 2, 1992.

FOR FURTHER INFORMATION CONTACT: Merrill Hathaway, Office of the General Counsel, (202) 208-0825.

SUPPLEMENTARY INFORMATION: The order on rehearing of the final rule as published on December 2, 1991, is corrected as follows to show the correct section number:

§ 4.30 [Corrected]

On page 61154 in the third column, in § 4.30, paragraph (b)(28) is corrected to read (b)(27).

Lois D. Cashell,

Secretary.

[FR Doc. 92-7288 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 90F-0020]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food. This action is in reponse to a petition filed by Velsicol Chemical Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 8, 1990 (55 FR 4481), FDA announced that a food additive petition (FAP 0B4187) had been filed by Velsicol Chemical Corp., 5600 North River Rd., Rosemont, IL 60018-5119, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data establish the safe use of the food additive isodecyl benzoate, and that § 175.105 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the hearing of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding a new entry to the table to read as follows.

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Isodecyl benzoate (CAS Reg. No. 131298-44-7)	
* * * * *	

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7324 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 90F-0350]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in certain polymers, adhesives, and waxes intended for use in food-contact articles. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 21, 1990 (55 FR 48693), FDA announced that a food additive petition (FAP OB4227) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188, proposing that § 178.2010 Antioxidants and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in polymers complying with § 175.105 Adhesives (21 CFR 175.105), § 175.125 Pressure-sensitive adhesives (21 CFR 175.125), § 175.300 Resinous and polymeric coatings (21 CFR 175.300), § 175.320 Resinous and polymeric coatings for polyolefin films (21 CFR 175.320), § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170), § 176.180 Components of paper and paperboard in contact with dry food (21 CFR 176.180), § 177.1210 Closures with sealing gaskets for food containers (21 CFR 177.1210), § 177.2600 Rubber articles intended for repeated use (21 CFR 177.2600), § 178.3800 Preservatives for wood (21 CFR 178.3800), and § 178.3850 Reinforced wax (21 CFR 178.3850).

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data support the requested safe uses of the additive, and that the regulations should be amended in § 178.2010 as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992, file with the Dockets Management Branch (address above) written objectives thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and

analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citaton for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.2010 is amended in the table in paragraph (b) by revising the "Limitations" column for the entry "Hexamethylenebis (3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate)" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * * * *	
Hexamethylenebis (3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate) (CAS Reg. No. 35074-77-2).	For use only: 1. As provided in § 177.2470(b)(1) and § 177.2480(b)(1) of this chapter. 2. In adhesives complying with § 175.105 of this chapter. 3. At levels not to exceed 1 percent by weight in pressure-sensitive adhesives complying with § 175.125 of this chapter. 4. At levels not to exceed 1 percent by weight in can end cement formulations complying with § 175.300(b)(3)(xxxi) of this chapter. 5. At levels not to exceed 1 percent by weight in side seam cement formulations complying with § 175.300(b)(3)(xxxii) of this chapter. 6. At levels not to exceed 1 percent by weight in petroleum alicyclic hydrocarbon resins, polyamide resins, and terpene resins complying with § 175.320 of this chapter. 7. At levels not to exceed 1 percent by weight in rosin and rosin derivatives when used in accordance with § 176.170(a)(5) of this chapter. 8. At levels not to exceed 1 percent by weight in petroleum alicyclic hydrocarbon resins or their hydrogenated products complying with § 176.170(b)(2) of this chapter. 9. At levels not to exceed 1 percent by weight in terpene resins complying with § 175.300(b)(3)(xi) of this chapter, when such terpene resins are used in accordance with § 176.170(b)(1) of this chapter. 10. At levels not to exceed 1 percent by weight in resins and polymers authorized for use in accordance with § 176.180 of this chapter. 11. At levels not to exceed 1 percent by weight in closures with sealing gaskets complying with § 177.1210 of this chapter. 12. At levels not to exceed 1 percent by weight in rubber articles intended for repeated use complying with § 177.2600 of this chapter. 13. At levels not to exceed 1 percent by weight in petroleum hydrocarbon resin and rosins and rosin derivatives used in accordance with § 178.3800 of this chapter. 14. At levels not to exceed 1 percent by weight in reinforced wax complying with § 178.3850 of this chapter.
* * * * * * *	

* * * * *

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7325 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

FOOD AND DRUG ADMINISTRATION

21 CFR Parts 182 and 184

[Docket No. 78N-0335]

Glycerophosphates; Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is: (1) Affirming that calcium glycerophosphate is generally recognized as safe (GRAS) as a direct human food ingredient in conventional food; (2) removing calcium, manganese, and potassium glycerophosphates from 21 CFR Part 182, subpart I, for use as nutrients used in food; and (3) taking no action with respect to the listing of calcium, manganese, and potassium glycerophosphates in 21 CFR part 182, subpart F, for use in dietary supplements. The safety of these ingredients as nutrients in food has been evaluated under the comprehensive safety review conducted by the agency.

DATES: Effective April 30, 1992. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C.

552(a) and 1 CFR part 51 of a certain publication in 21 CFR 184.1201, effective on April 30, 1992.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 15, 1979 (44 FR 28336), FDA published a proposal to affirm that calcium glycerophosphate is GRAS for use as a direct human food ingredient in conventional food. (FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)). The agency also proposed to remove potassium glycerophosphate and manganese glycerophosphate from the list of GRAS ingredients because there were no reported uses for these substances. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on glycerophosphates and the report of the Select Committee on GRAS Substances on glycerophosphates are available for public review in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Copies of these documents also are available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphate from the GRAS list, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances other than the uses listed in part 181—Prior-Sanctioned Food Ingredients (21 CFR part 181). Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 7, 1958, were given notice to submit proof of those sanctions, so that the safety of any prior-sanctioned uses could be determined. That notice was also an opportunity to have additional prior-sanctioned uses of the glycerophosphates recognized by issuance of an appropriate regulation under part 181, or affirmed as GRAS under part 184 or 186 (21 CFR part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of any applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for these ingredients were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for uses of these ingredients under conditions different from those set forth in part 181 has been waived.

After publication of the May 5, 1979, proposal to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphates from the GRAS list, the agency issued, in the **Federal Register** of September 5, 1980 (45 FR 58837), a document outlining the reorganization of 21 CFR part 182 to provide separate listings for the use of GRAS ingredients in dietary supplements and for the use of the same ingredients as nutrients in conventional food. The reorganization document stated that creation of these separate lists was intended to facilitate the separate GRAS reviews of these substances as nutrients and as dietary substances. The reorganization thus resulted in the listings of calcium, manganese, and potassium glycerophosphates on both the GRAS "Dietary Supplements" list (21 CFR 182, subpart F), and the GRAS "Nutrients" list (21 CFR 182, subpart I).

One comment was received in response to the agency's proposal on glycerophosphates. The comment submitted information on the use of manganese glycerophosphate in enteral dietary formulas which are used under medical supervision. The company, a pharmaceutical manufacturer, stated that this use was not included in FDA's survey of food manufacturers for the purpose of determining the specific foods in which various glycerophosphates are used and the levels of usage. The company, therefore, requested that the agency retain manganese glycerophosphate on the GRAS list to permit its continued use in enteral dietary supplement formulas.

FDA's May 15, 1979 (44 FR 28336), proposal to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphates from the GRAS list addressed the use of these ingredients in conventional foods (those described in the food categories listed in the 21 CFR 170.3(n)). The proposal did not address the use of these ingredients in dietary supplements or in enteral formulas designed for use under medical supervision in the nutritional management of patients. Although use in enteral formulas was reported in the comments to this proposal, FDA did not take any action on the use of the subject glycerophosphates in dietary supplements or enteral formulas because it had only limited information on such uses. Therefore, calcium, manganese, and potassium glycerophosphates will continue to be listed as GRAS for use in dietary supplements in part 182, subpart F. Likewise, even though enteral formulas are not dietary supplements, use of vitamins and minerals in enteral formulas will be considered to be covered under the GRAS listing for dietary supplements in part 182, subpart F.

Therefore, in the **Federal Register** of March 14, 1991 (56 FR 10843), a tentative final rule was published: (1) Affirming that calcium glycerophosphate is GRAS as a direct human food ingredient in conventional food; (2) removing calcium, manganese and potassium glycerophosphates from 21 CFR part 182, subpart I, for use an nutrients used in food; and (3) taking no action with respect to the listing of calcium, manganese, and potassium glycerophosphates in 21 CFR part 182, subpart F, for use in dietary supplements. This action was published as a tentative final rule because the proposal to affirm glycerophosphate was published 12 years earlier in the **Federal Register** of May 15, 1979 (44 FR 28336). The agency believed that because of the length of time that has passed, it would be prudent to allow an opportunity for additional comments on the proposed action.

No comments were received in response to the tentative final rule. Therefore, the agency is issuing this final rule to affirm calcium glycerophosphate for use in conventional foods and to remove calcium, manganese, and potassium glycerophosphates from subpart I, of part 182 for use as nutrients. FDA is retaining the listing of calcium, manganese, and potassium glycerophosphates in part 182, subpart F, pending further action on the dietary supplement use of these ingredients.

As explained in the tentative final rule, the format of the final regulation for calcium glycerophosphate differs from the format of the proposed regulation. FDA has modified § 184.1201(c) to make clear the agency's determination that its GRAS affirmation is based upon current good manufacturing practice (CGMP) conditions of use, including both the technical effects and the food categories listed. This change removes the

maximum CGMP level of use that was included in the proposal. FDA concludes, that it is unnecessary to include this level of use in the regulation to assure the safe use of this ingredient.

FDA is also modifying this final rule to adopt specifications for calcium glycerophosphate that have been published in the "Food Chemicals Codex," 3d Ed. (1981), pp. 51–52. No differences exist between these specifications and the specifications that were proposed for adoption from the "Food Chemicals Codex," 2d Ed. (1972), pp. 130–131. This change, therefore, has no substantive effect. Therefore, the agency is adding new § 184.1201 to 21 CFR subpart B.

In the tentative final rule, the agency determined under 21 CFR 25.24(b)(7) that the GRAS affirmation of calcium glycerophosphate as a direct human food ingredient for use in conventional food under 21 CFR 184.1201 is an action of a type that does not individually or cumulatively have a significant effect on the human environment. No comments were submitted on this aspect of the tentative final rule. Therefore, FDA continues to conclude that neither an environmental assessment nor an environmental impact statement is required.

As explained in the tentative final rule, the agency has carefully considered the potential environmental effects of removing manganese glycerophosphate and potassium glycerophosphate from the GRAS list for use as nutrients in food (21 CFR part 182, subpart I). FDA has concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen at the Dockets Management Branch, (address above) between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the Regulatory Flexibility Act, the agency has considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined, that no significant economic impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has analyzed the potential economic effects of this final rule and has determined that the final rule is not a major rule as determined by that Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR Part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 182 and 184 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§§ 182.8201, 182.8455, and 182.8628 [Removed]

2. Section 182.8201 *Calcium glycerophosphate*, § 182.8455 *Manganese glycerophosphate*, and § 182.8628 *Potassium glycerophosphate* are removed from subpart I.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

4. New § 184.1201 is added to subpart B to read as follows:

§ 184.1201 Calcium glycerophosphate.

(a) Calcium glycerophosphate ($C_3H_7CaO_6P$, CAS Reg. No. 27214–00–2) is a fine, white, odorless, almost tasteless, slightly hygroscopic powder. It is prepared by neutralizing glycerophosphoric acid with calcium hydroxide or calcium carbonate. The commercial product is a mixture of calcium β-, and *D*-, and *L*-α-glycerophosphate.

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 51–52, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter.

(d) Prior sanctions for this ingredient different from the uses established in this section or different from that as set forth in part 181 of this chapter, do not exist or have been waived.

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92–7327 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Parts 312, 606, 610, 630, and 640

Drugs and Biologics; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the drugs and biologics regulations to correct certain typographical and other inadvertent errors. This action is being taken to clarify and improve the accuracy of the regulations.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Joanne Binkley, Center for Biologics Evaluation and Research (HFB–132), Food and Drug Administration, 3800 Rockville Pike, Bethesda, MD 20892, 301–295–8188.

SUPPLEMENTARY INFORMATION: FDA has discovered certain nonsubstantive errors that have been incorporated into the agency's codified regulations on drugs and biologics. FDA is correcting

these errors. The errors in the regulations are as follows:

1. In 21 CFR 312.145 *Guidelines*, the address for the Congressional, Consumer, and International Affairs Staff listed in paragraph (b) is incorrect. This office has been relocated and the agency is correcting the address.

2. In 21 CFR 606.121 *Container label*, the address for the Dockets Management Branch listed in paragraph (a) is incorrect. In the **Federal Register** of June 10, 1991 (56 FR 26688), FDA announced the relocation of the Dockets Management Branch, effective June 14, 1991.

3. In 21 CFR 610.41 *History of hepatitis B surface antigen*, the reference to § 640.75 should be changed to § 640.120. In the **Federal Register** of March 21, 1990 (55 FR 10420), § 640.75 *Alternative procedures* was removed. The alternative procedures for Source Plasma formerly codified as § 640.75 are included in the more general alternative procedures codified at § 640.120.

4. In 21 CFR 630.4 *Tests for safety*, the words "injection" and "penicillin" in paragraph (e)(3) were misspelled. The agency is correcting these errors.

5. In 21 CFR 640.67 *Laboratory tests*, the reference to § 610.40 (d)(1) and (d)(2) in paragraph (a) was incorrectly listed as § 610.40 (d)(2) and (3). The agency is correcting this error.

6. In 21 CFR 640.120 *Alternative procedures*, the **Federal Register** citation at the end of the section inadvertently listed "March 22, 1990" as the date of publication. It should have read "March 21, 1990."

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

List of Subjects

21 CFR Part 312

Drugs, Exports, Imports, Investigations, Labeling, Medical research, Reporting and recordkeeping requirements, Safety.

Part 606

Blood, Labeling, Laboratories, Reporting and recordkeeping requirements.

Part 610

Biologics, Labeling, Reporting and recordkeeping requirements.

Part 630

Biologics, Labeling.

Part 640

Blood, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Parts 312, 606, 610, 630, and 640 are amended as follows:

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

1. The authority citation for 21 CFR part 312 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 371); sec. 351 of the Public Health Service Act (42 U.S.C. 262).

§ 312.145 [Amended]

2. Section 312.145 *Guidelines* is amended in paragraph (b) by removing "Park Bldg., rm. 158, 5600 Fishers Lane, Rockville, MD 20857" and adding in its place "8800 Rockville Pike, Bethesda, MD 20892".

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

3. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 505, 510, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374); secs. 215, 351, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263a, 264).

§ 606.121 [Amended]

4. Section 606.121 *Container label* is amended in paragraph (a) by removing "rm. 4–62, 5600 Fishers Lane," and adding in its place "rm. 1–23, 12420 Parklawn Dr.,".

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

5. The authority citation for 21 CFR part 610 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 610.41 [Amended]

6. Section 610.41 *History of hepatitis B surface antigen* is amended by removing "§ 640.75" and adding in its place "§ 640.120".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

7. The authority citation for 21 CFR part 630 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 630.4 [Amended]

8. Section 630.4 *Tests for safety* is amended in paragraph (e)(3) by removing "inpection" and adding in its place "injection" and by removing "pencillin" and adding in its place "penicillin".

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

9. The authority citation for 21 CFR part 640 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 640.67 [Amended]

10. Section 640.67 *Laboratory tests* is amended in paragraph (a) by removing "§ 610.40(d) (2) and (3)" and adding in its place "§ 610.40 (d)(1) and (d)(2)".

Dated: March 25, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–7317 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances: Procedures for Removing Certain Anabolic Steroid Products From all or Part of the Controlled Substances Act; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Friday, August 30, 1991 (56 FR 42935). The regulations relate to the administrative procedures for removing regulatory control from the manufacture, distribution and possession of specific products which contain anabolic steroids.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration,

Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: The final regulations that are the subject of these corrections describe a process by which qualifying products will be identified as being excluded from, or exempt from, certain regulatory controls of the Controlled Substances Act (21 U.S.C. 801 et seq.). As published, the final regulations contain errors which may prove to be confusing and are in need of clarification.

Accordingly, the publication on August 30, 1991, of the final regulations which were the subject of FR Doc. 91–20824, is corrected as follows:

§ 1308.33 [Corrected]

On page 42937, in first column, in § 1308.33, paragraph (c)(10)(a) and (b) are correctly designated as (c)(10) (i) and (ii).

* * * * *

Dated: March 25, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92–7367 Filed 3–30–92; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8361]

RIN 1545–AO66

Definition of Compensation for Qualified Plans; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8361, which was published in the **Federal Register** for Thursday, September 19, 1991 (56 FR 47659). The final regulations relate to the scope and meaning of the term "compensation" for tax-qualified retirement plans under section 414(s) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 1115 of the Tax Reform Act of 1986 and section 1011(j)(1) of the Technical and Miscellaneous Revenue Act of 1988. These regulations provide rules for defining compensation for purposes of applying any provision that specifically refers to section 414(s).

Need for Correction

As published, T.D. 8361 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8361), which was the subject of FR Doc. 91–21925, is corrected as follows:

§ 1.414(s)–1 [Corrected]

1. On page 47662, column 3, § 1.414(s)–1(a)(2), line 9, the language "under a pension, profit sharing, or stock" is corrected to read "under a pension, profit-sharing, or stock".

2. On page 47664, column 1, § 1.414(s)–1(d)(2)(ii), lines 13 and 14, the language "differential, and call-in premiums); bonuses; or any one of the types of" is corrected to read "differential, and call-in premiums), bonuses, or any one of the types of ".

§ 1.415–2 [Corrected]

3. On page 47668, column 2, § 1.415–2(d)(10), line 8, the language "paragraph (d)(3) of this paragraph, if" is corrected to read "paragraph (d)(3) of this section, if".

4. On page 47668, column 2, § 1.415–2(d)(11)(i), line 2, the language "*under sections 6041 and 6051.*" is corrected to read "*under sections 6041, 6051, and 6052.*".

5. On page 47668, column 3, § 1.415–2(d)(11)(i), lines 4 through 6 from the top of the column, the language "written statement under sections 6041(d) and 6051(a)(3). See §§ 1.6041–1(a), 1.6041–2(a)(1) and 31.6051–1(a)(1)(i)(c)." is corrected to read "written statement under sections 6041(d), 6051(a)(3), and 6052. See §§ 1.6041–1(a), 1.6041–2(a)(1), 1.6052–1, and 1.6052–2, and also see § 31.6051–1(a)(1)(i)(C) of this chapter.".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6489 Filed 3–27–92; 2:13 pm]

BILLING CODE 4830–01–M

26 CFR Part 1

[T.D. 8362]

RIN 1545–AO62

Limitation on Annual Compensation for Qualified Plans; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8362, which was published in the **Federal Register** for Thursday, September 19, 1991 (56 FR 47603). The final regulations relate to the $200,000 annual compensation limit for tax-qualified retirement plans under section 401(a)(17) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 1106 of the Tax Reform Act of 1986 and section 1011(d)(4) of the Technical and Miscellaneous Revenue Act of 1988. These regulations provide guidance necessary to comply with the law and affect sponsors of, and participants in, tax-qualified retirement plans.

Need for Correction

As published, T.D. 8362 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8362), which was the subject of FR Doc. 91–21926, is corrected as follows:

§ 1.401(a)(17) [Corrected]

1. On page 47605, column 2, § 1.401(a)(17)–1(a)(1), line 12, the language "compensation in excess of the annual" is corrected to read "compensation in excess of the annual compensation".

2. On page 47605, column 2, § 1.401(a)(17)–1(a)(1), line 4 from the bottom of that paragraph, the lanaguage "subject to the annual limitation. These" is corrected to read "subject to the annual compensation limit. These".

3. On page 47605, column 3, § 1.401(a)(17)–1(b)(2), line 3, the language "paragraph (b), the limit in effect for the" is corrected to read

"paragraph (b), the annual compensation limit in effect for the".

4. On page 47605, column 3, § 1.401(a)(17)–1(b)(3)(iii), line 2, the language "*than 12–months*—(A) *Proration required.*" is corrected to read "*than 12 months*—(A) *Proration required.*"

5. On page 47606, column 1, § 1.401(a)(17)–1(b)(3)(iii)(A), line 11 from the top of the column, the language "accrual for all months, then the annual" is corrected to read "accruals for all months, then the annual".

6. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 2*, line 8, the language "(B's 1990 compensation capped by the 1990" is corrected to read "(B's 1990 compensation capped by the 1990 annual compensation".

7. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 2*, line 10, the language "capped by the 1989 limit), and $200,000 (B's" is corrected to read "capped by the 1989 annual compensation limit), and $200,000 (B's".

8. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 3*, line 4, the language "application of the limits is $230,000 (1989)," is corrected to read "application of the annual compensation limits is $230,000 (1989),".

9. On page 47606, column 3, § 1.401(a)(17)–1(b)(6), in paragraph (a) of *Example 5*, line 8 from the top of the column, the language "may not exceed the annual limit in effect for" is corrected to read "may not exceed the annual compensation limit in effect for".

10. On page 47606, column 3, § 1.401(a)(17)–1(b)(6), in paragraph (b) of *Example 5*, the last three sentences are corrected to read, "The plan year compensation under the plan formula before application of the annual compensation limit under section 401(a)(17) for Employee B is $224,877 ($230,000 minus $5,123). After application of the annual compensation limit, the plan year compensation for the 1991 plan year for Employee A is $222,220 (the annual compensation limit for 1991). Therefore, the allocation of employer contributions under the plan allocation formula for 1991 for Employee B is $28,985 ($222,220 (Employee B's plan year compensation after application of the annual compensation limit for 1991) multiplied by 13.0435%)."

11. On page 47607, line 1 of column 1, § 1.401(a)(17)–1(b)(6), in *Example 6*, the language "not exceed the 1991 annual limit of $222,220." is corrected to read "not exceed the 1991 annual compensation limit of $222,220.".

12. On page 47607, column 1, § 1.401(a)(17)–1(c)(1), line 8, the language "limit also applies in determining" is corrected to read "annual compensation limit also applies in determining".

13. On page 47607, column 1, § 1.401(a)(17)–1(c)(3), line 2, the language "this paragraph (c), the annual limit" is corrected to read "this paragraph (c), the annual compensation limit".

14. On page 47607, column 1, § 1.401(a)(17)–1(c)(4), line 4, the language "the limit to a plan year apply for" is corrected to read "the annual compensation limit to a plan year apply for".

15. On page 47607, column 1, § 1.401(a)(17)–1(c)(5), line 4, the language "regarding the application of the limit to" is corrected to read "regarding the application of the annual compensation limit to".

16. On page 47607, column 2, § 1.401(a)(17)–1(d)(1)(ii)(B), line 8, the language "(d)(2)(ii), any extension or renegotiation" is corrected to read "(d)(1)(ii), any extension or renegotiation".

17. On page 47608, column 2, § 1.401(a)(17)–(e)(3)(iii)(A), line 4, the language "§ 1.401(a)–13(c) and (d) to section" is corrected to read "§ 1.401(a)(4)–13(c) and (d) to section".

18. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(A) (*2*), line 5, the language "compensation limit for the current plan" is corrected to read "annual compensation limit for the current plan".

19. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(A)(*2*), next to the last line of that paragraph, the language "to the section 401(a)(17) compensation" is corrected to read "to the section 401(a)(17) annual compensation".

20. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(B), line 9, the language "meaning of §§ 1.401(a)(4)–13(d)) for each" is corrected to read "meaning of § 1.401(a)(4)–13(d)) for each".

21. On page 47609, column 1, § 1.401(a)(17)–1(e)(5), line 2, the following sentence is added after the language "illustrate the rules in this paragraph (e)."

In each example, it is assumed that, under the definition of compensation provided in Plan Y, Employee A's compensation for each calendar year of employment exceeds the annual compensation limit for that calendar year.

22. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 1*, line 6 from the top of the column, the language "§ 1.401(a)–13(c)(3) (formula with wear-away)." is corrected to read "§ 1.401(a)(4)–13(c)(3) (formula with wear-away).".

23. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in *Example 2*, line 24, the language "the formula in § 1.401(a)–13(c)(2) (formula" is corrected to read "the formula in § 1.401(a)(4)–13(c)(2) (formula".

24. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in *Example 3*, line 13, the language "formula in § 1.401(a)–13(c)(4) (formula with" is corrected to read "formula in § 1.401(a)(4)–13(c)(4) (formula with".

25. On page 47609, column 3, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 5*, line 5, the language "limited by the respective annual limit for" is corrected to read "limited by the respective annual compensation limit for".

26. On page 47609, column 3, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 5*, line 11, the language "Employee A's high 3 consecutive year's" is corrected to read "Employee A's high 3 consecutive years' ".

27. On page 47610, column 1, § 1.401(a)(17)–1(e)(5), in paragraph (a) of *Example 6*, the last three lines of that paragraph, the language "section 401(a)(17) limit for every year through 1992. Assume that the annual limit for 1992 is $245,000." is corrected to read "section 401(a)(17) annual compensation limit for every year through 1992. Assume that the annual compensation limit for 1992 is $245,000.".

28. On page 47610, column 1, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 6*, line 1, the language "(b) Employee's A's frozen accrued benefit" is corrected to read "(b) Employee A's frozen accrued benefit".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6490 Filed 3–27–92; 2:14 pm]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[T.D. 8363]

RIN 1545–AK41

Minimum Coverage Requirements; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations published in the **Federal Register** for Thursday, September 19, 1991, at page 47638 (56 FR 47638). The final regulation relates to the minimum coverage

requirements of section 410(b) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Rebecca Wilson at 202–377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections relates to section 410(b) of the Internal Revenue Code of 1986.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation which was the subject of FR Doc. 91–21927 is corrected as follows:

1. On page 47638, column 1, in the preamble, under the heading "EFFECTIVE DATE", line 3, the language "after January 1, 1989, and applied to" is corrected to read "after January 1, 1989, and are applied to".

2. On page 47640, column 3, in the preamble, the last line of paragraph "a", under the heading "*Other Rules*", the language "the benefit under the plan." is corrected to read "the plan, benefit under the plan.".

3. On page 47641, column 2, in the preamble, the last sentence in the paragraph heading "g" under the heading "*Other Modifications*", is corrected to read "As another example, a rule has been added to the final regulation to provide that ratio percentages are calculated to the nearest hundredth of a percentage point.".

§ 1.410(b)–2 [Corrected]

4. On page 47643, column 2, § 1.410(b)–2(b)(2)(ii), the first sentence of *Example 1*, is corrected to read "For a plan year, Plan A benefits 70 percent of an employer's nonhighly compensated employees and 100 percent of the employer's highly compensated employees.".

5. On page 47643, column 2, § 1.410(b)–2(b)(5), line 4, the language "year if the plan is maintained by an" is corrected to read "year if and only if the plan is maintained by an".

6. On page 47643, column 2, § 1.410(b)–2(b)(6), line 4, the language "year if the plan benefits no highly" is corrected to read "year if and only if the plan benefits no highly".

7. On page 47643, column 3, § 1.410(b)–2(b)(7), last line in the paragraph, the language "employee, respectively." is corrected to read "employee.".

8. On page 47643, column 3, § 1.410(b)–2(c)(2)(ii)(A), line 2, the language "employees with accrued benefits under" is corrected to read "employees with vested accrued benefits under".

9. On page 47643, column 3, § 1.410(b)–2(d), line 3, the language "beginning on or after January 1, 1993, a" is corrected to read "beginning on or after January 1, 1989, a".

10. On page 47648, column 2, § 1.410(b)–5(d)(8)(ii), eighth line from the top of the column, the language "§ 1.401(a)(4)–12) plan provisions" is corrected to read "§ 1.401(a)(4)–12), plan provisions".

11. On page 47648, column 3, § 1.410(b)–5(e)(2)(i), lines 5 and 14, the language "employee's separately-determined" is corrected to read "employee's separately determined".

12. On page 47650, column 1, § 1.410(b)–5(e)(4)(iii), line 6, the language "7(c)(4)(iv)(D). In imputing permitted" is corrected to read "7(c)(4)(iii)(D). In imputing permitted.

13. On page 47650, column 2, § 1.410(b)–5(e)(5), line 14, the language "accruals, compensation and other items" is corrected to read "accruals, compensation, and other items".

14. On page 47653, column 2, § 1.410(b)–6(d)(1), line 6, the language "the meaning of § 410(b)–7(b)) benefits" is corrected to read "the meaning of § 1.410(b)–7(b)) benefits".

15. On page 47655, column 1, § 1.410(b)–6(g), line 7, the language "matching contributions that are tied to" is corrected to read "matching contributions or employee after-tax contributions that are tied to".

16. On page 47655, column 3, § 1.410(b)–7(c)(1), the last sentence of the paragraph was omitted and should read "Similarly, the portion of a plan that consists of contributions described in § 1.410(m)–1(b)(4)(ii) (i.e., matching contributions that fail to satisfy the allocation and other requirements applicable to matching contributions and are therefore required to be tested separately) and the portion of the plan that does not consist of such contributions are treated as separate plans for purposes of section 410(b).".

17. On page 47656, column 1, § 1.410(b)–7(c)(5), line 13, the language "bargained employees covered another" is corrected to read "bargained employees covered under another".

18. On page 47657, column 3, § 1.410(b)–9, line 2 of the second full paragraph from the bottom of the column, the language "Nonhighly compensated employee an" is corrected to read "Nonhighly compensated employee means an".

Dale D. Goode,

Federal Register Liaison, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6491 Filed 3–27–92; 2:15 pm]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[T.D. 8359]

RIN 1545–AI86

Permitted Disparity With Respect to Benefits and Contributions; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations published in the **Federal Register** for Thursday, September 19, 1991, at page 47610 [56 FR 47610). The final regulation relates to the permitted disparity in employer contributions to and employer-derived benefits under qualified plans.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia McDermott, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This final regulation relates to section 401(l) of the Internal Revenue Code of 1986.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation which was the subject of FR Doc. 91–21923 is corrected as follows:

1. On page 47612, column 2, in the preamble, in paragraph 3.a., the fourth full paragraph in the column, fifth line from the bottom of the paragraph, the language "excess allowance in terms of the benefit" is corrected to read "offset allowance in terms of the benefit".

§ 1.401(a)(5)–1 [Corrected]

2. On page 47615, column 1, under § 1.401(a)(5)–1(d), line 1, the language "(d) *Certain disparity permitted.* (1)" is corrected to read "(d) *Certain disparity permitted.*"

3. On page 47615, column 1, under § 1.401(a)(5)–1(d), paragraph designations "(i)" and "(ii)" are

corrected to read "(1)" and "(2)", respectively.

4. On page 47616, column 2, under § 1.401(a)(5)–1(e)(8), in line 24 of *Example 1*, the language "uses the plan year as the 12 month period for" is corrected to read "uses the plan year as the 12-month period for".

5. On page 47616, column 2, under § 1.401(a)(5)–1(e)(8), in line 3 of *Example 2*, the language "service and service for Z when A retires at" is corrected to read "service for Z when A retires at".

6. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the eleventh line of the column, in *Example 2*, the language "(the amount of X's final pay)—$4,114 (the" is corrected to read "(the amount of X's final pay) minus $4,114 (the".

7. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the sixth and seventh lines from the bottom of paragraph (b) of *Example 3*, the language "A's accrued benefit under the plan as of the close of the plan year ($11,250) does not" is corrected to read "A's benefit under the plan as of the close of the plan year and before application of the final pay limitation ($11,250) does not".

8. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the third sentence in paragraph (c) of *Example 3*, should read "Accordingly, A's benefit as of the close of the 2015 plan year and before application of the final pay limitation is $11,310 (90 percent × $14,500 × 26/30).".

9. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the last line in the column, the language "plan's final pay limitation, A's accrued" is corrected to read "plan's final pay limitation, A's.

§ 1.401(l)–0 [Corrected]

10. On page 47617, column 3, under § 1.401(l)–0, in the entry for § 1.401(l)–3(c) heading, the language "(c) Uniformity disparity." is corrected to read "(c) Uniform disparity.".

11. On page 47618, column 1, under § 1.401(l)–0, in the first line of the entry for § 1.401(l)–3(d)(9) heading, the language "(9) Reduction in the ¾ of 1 percent factor if" is corrected to read "(9) Reduction in the 0.75-percent factor if".

§ 1.401(l)–1 [Corrected]

12. On page 47620, column 2, under § 1.401(l)–1(c)(17)(ii), line 3, the language "under this paragraph (c)(16), annual" is corrected to read "under this paragraph (c)(17), annual".

§ 1.401(l)–2 [Corrected]

13. On page 47621, column 3, under § 1.401(l)–2(d)(4)(i), line 1, the language "(i) the integration level under the plan" is corrected to read "(i) The integration level under the plan".

14. On page 47621, column 3, under § 1.401(l)–2(d)(5), line 2, the language "*plan year*. If a plan uses paragraph (4) of" is corrected to read "*plan year*. If a plan uses paragraph (2) or (4) of".

15. On page 47622, column 1, under § 1.401(l)–2(d)(5), the second line from the top of the column, the language "compensation for the period of plan" is corrected to read "compensation for the plan year or the period of plan".

16. On page 47622, column 1, under § 1.401(l)–2(e), line 4, the language "of tax described in paragraph (b)(2)(ii)" is corrected to read "of tax described in paragraph (b)(2)(ii)(B)".

§ 1.401(l)–3 [Corrected]

17. On page 47624, column 2, under § 1.401(l)–3(c)(1), line 9, the language "is uniform if and only if the plan uses" is corrected to read "is uniform only if the plan uses".

18. On page 47624, column 2, under § 1.401(l)–3(c)(2)(ii) lines 2 and 3, the language "*disparity for 35 years*. The plan formula provides a benefit as described in" is corrected to read "*disparity for 35 years*. The plan contains a benefit formula as described in".

19. On page 47624, column 3, under § 1.401(l)–3(c)(2)(ii)(A), line 2, the language "up to 35, the plan formula provides the" is corrected to read "up to 35, the benefit formula provides the".

20. On page 47624, column 3, under § 1.401(l)–3(c)(2)(ii)(B), line 2, the language "service, the plan provides a benefit at a" is corrected to read "service, the benefit formula provides a".

21. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii), line 3, the language "plan formula provides a benefit as" is corrected to read "plan contains a benefit formula as".

22. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(A), line 3, the language "fewer than 35 years, the plan formula" is corrected to read "fewer than 35 years, the benefit formula".

23. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(B), line 3, the language "plan formula provides a benefit at a" is corrected to read "benefit formula provides a".

24. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(C), lines 3 and 4, the language "(c)(2)(iii)(B) of this section, the plan provides a benefit at a uniform" is corrected to read "(c)(2)(iii)(B) of this section, the benefit formula provides a uniform".

25. On page 47625, column 2, under § 1.401(l)–3(c)(3), the third sentence in *Example 2* is removed.

26. On page 47625, column 2, under § 1.401(l)–3(c)(3), in line 15 of *Example 2*, the language "The plan thus provides a" is corrected to read "The benefit formula thus provides a".

27. On page 47625, column 2, under § 1.401(l)–3(c)(3), the ninth line from the bottom of *Example 2*, the language "percentage of 2.75 percent (68.75 percent × 1/25" is corrected to read "percentage of 2.75 percent (68.75 percent × 1/25".

28. On page 47625, column 2, under § 1.401(l)–3(c)(3), the fourth line from bottom of *Example 2*, the language "paragraph (c) because the plan does not" is corrected to read "paragraph (c) because the benefit formula does not".

29. On page 47626, column 2, § 1.401(l)–3(d)(7), line 3, the language "paragraph (4) of the definition of plan" is corrected to read "paragraph (2) or (4) of the definition of plan".

30. On page 47626, column 2, § 1.401(l)–3(d)(7), line 6, the language "the period of plan participation) and has" is corrected to read "the plan year or the period of plan participation) and has".

31. On page 47627, column 1, § 1.401(l)–3(d)(iii)(A), line 20, the language "excess allowance must be reduced to" is corrected to read "excess or offset allowance must be reduced to".

32. On page 47627, column 2, § 1.401(l)–3(d)(9)(iv)(A), second line from the bottom of table, the language "the taxable wage base or final" is corrected to read "The taxable wage base or final".

33. On page 47627, column 3, § 1.401(l)–3(d)(10), line 5 in paragraph (b) of *Example 1*, the language "social security retirement age in calendar" is corrected to read "social security retirement age in the calendar".

34. On page 47627, column 3, § 1.401(l)–3(d)(10), line 11 in paragraph (b) of *Example 1*, the language "in paragraph (d)(9) of this section. The 0.69" is corrected to read "in paragraph (d)(9) of this section. The 0.69-".

35. On page 47627, column 3, § 1.401(l)–3(d)(10), line 17 in paragraph (b) of *Example 1*, the language "(d)(6) of this section. The 0.6 percent factor" is corrected to read "(d)(6) of this section. The 0.6-percent factor".

36. On page 47627, column 3, § 1.401(l)–3(d)(10), in line 8 in paragraph (b) of *Example 2*, the language "a plan-wide bases under paragraph" is

corrected to read "a plan-wide basis under paragraph".

37. On page 47628, column 1, § 1.401(l)–3(d)(10), line 21 of *Example 4*, the language "benefit under the plan. Employee's final" is corrected to read "benefit under the plan. Employee B's final".

38. On page 47628, column 1, § 1.401(l)–3(d)(10), in lines 23 and 24 in *Example 4*, the language "1992 plan year is $52,800 ($47,000 + $53,400 + $58,000/3. This is because annual" is corrected to read "1992 plan year is $52,800 (($47,000 + $53,400 + $58,000/3). This is because annual".

39. On page 47628, column 1, § 1.401(l)–3(d)(10), in *Example 4*, the third line from the bottom of the column, the language "Employee A's benefit by reference to" is corrected to read "Employee B's benefit by reference to".

40. On page 47630, column 1, § 1.401(l)–3(e)(6), in *Example 1*, the fifth line from the top of the column, the language "of service for X, the plan provides a benefit" is corrected to read "of service, the plan provides a benefit".

41. On page 47630, column 1, § 1.401(l)–3(e)(6), in *Example 3*, line 14, the language "0.375 percent factor provided in the table for" is corrected to read "0.375-percent factor provided in the table for".

42. On page 47630, column 3, under § 1.401(l)–3(e)(6), in *Example 6*, the sixth line from the top of the column, the language "than a qualified disability benefit)" is corrected to read "than a temporary disability benefit)".

§ 1.401(l)–4 [Corrected]

43. On page 47632, column 3, under § 1.401(l)–4(b)(3)(iv)(B), line 3, the language "employer contributions are allocated to" is corrected to read "employer contributions are allocated to the".

44. On page 47633, column 1, under § 1.401(l)–4(c)(3)(ii)(C), lines 3 and 4, the language "same excess benefit percentage by an amount for all employees, and" is corrected to read "same excess benefit percentage for all employees, and".

45. On page 47633, column 3, under § 1.401(l)–4(e)(1)(ii), the first and second sentences are corrected to read "(ii) "Railroad retirement covered compensation for an employee means 12 multiplied by the average of the 60 highest monthly railroad retirement taxable wage bases in effect for the employee's period of employment. The monthly railroad retirement taxable wage base is determined by dividing the railroad retirement taxable wage base for the calendar year in which the month occurs by 12.".

46. On page 47634, column 1, under § 1.401(l)–4(e)(3), line 3, the language "benefit excess plan and offset plans" is corrected to read "benefit excess plans and offset plans".

47. On page 47634, column 1, § 1.401(l)–4(e)(3)(ii), line 2, the language "3(d) are made by multiplying the 0.56" is corrected to read "3(d) are made by multiplying the 0.56-percent".

§ 1.401(l)–5 [Corrected]

48. On page 47636, column 1, under § 1.401(l)–5(b)(9), line 4 in paragraph (a) of *Example 4*, the language "general test under § 1.401(a)(4)–3(b). Plan M" is corrected to read "general test under § 1.401(a)(4)–3(c). Plan M".

49. On page 47636, column 2, under § 1.401(l)–5(b)(9), paragraph (a) of *Example 4*, the sixth line from the top of the column, the language "disparity provided for Employee B for the" is corrected to read "disparity for Employee B for the".

50. On page 47637, column 1, under § 1.401(l)–5(c)(4), line 10 in paragraph (a) of *Example 4*, the language "excess plan disparity fraction under Plan P" is corrected to read "plan disparity fraction under Plan P".

51. On page 47637, column 2, under § 1.401(l)–5(d), second line from bottom of the paragraph, the language "permitted disparity limits are not" is corrected to read "permitted disparity limits are".

§ 1.401(l)–6 [Corrected]

52. On page 47637, column 2, under § 1.401(l)–6(c), line 8, the language "1.401.(l)–5 and the requirements" is corrected to read "1.401(l)–5 and the requirements of".

53. On page 47637, column 3, under § 1.401(l)–6(d)(4), the last sentence in the paragraph is removed.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6492 Filed 3–27–92; 2:16 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

North Carolina State Plan; Level of Federal Enforcement

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Change in level of federal enforcement.

SUMMARY: On October 24, 1991, OSHA resumed its exercise of concurrent Federal enforcement authority in the State of North Carolina by terminating the pre-existing Operational Status Agreement for the North Carolina State Plan. At that time, OSHA initiated limited Federal enforcement authority with regard to all pending and new complaints of discrimination filed either with OSHA or the State; all complaints of unsafe and unhealthful working conditions brought to OSHA's attention by employees or referred by others; and referrals from North Carolina Governor James Martin's 800 "Safety Line". In response to a further request from the State's Labor Commissioner for additional assistance, this document provides notice that Federal enforcement authority will be expanded with regard to the backlog of safety and health complaints filed with the State of North Carolina by employees in the private sector (not State and local government employees) and not yet investigated by the State.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8148.

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(b) of the Act and, ultimately, final approval under section 18(e). In the interim, between initial approval and final approval, there is a period of concurrent Federal/State jurisdiction within a State operating an approved plan. See 29 CFR 1954.3 for guidelines and procedures.

On February 1, 1973, notice was published in the Federal Register (38 FR 3041) announcing the initial approval of the North Carolina State plan and the adoption of subpart I to 29 CFR part 1952 containing the decision. On February 20, 1975, OSHA and the State of North Carolina entered into an Operational Status Agreement which suspended the exercise of Federal concurrent enforcement authority in all except specifically identified areas. See

40 FR 16843, as amended by 44 FR 74819, and redesignated at 51 FR 2488. The pertinent provisions concerning the level of Federal enforcement in the State were codified at 29 CFR 1952.155. However, on October 24, 1991, OSHA announced the termination of that agreement and the reinstitution of limited concurrent Federal jurisdiction to the degree necessary to assure occupational safety and health protection to employees in the State of North Carolina. Specifically, OSHA announced its intention to exercise Federal concurrent enforcement authority with regard to (1) all currently pending and new complaints of discrimination under section 11(c) of the Act, 29 U.S.C. 660(c), and equivalent State law filed either with OSHA or the State; (2) all complaints of unsafe or unhealthful working conditions brought to OSHA's attention on or after October 24, 1991 by employees or referred by others; and (3) referrals from North Carolina Governor James Martin's 800 "Safety Line". Additionally, the notice reserved OSHA's general right to exercise concurrent authority under a variety of special circumstances; for example, when the State is unable to obtain a warrant for inspection of an establishment which has refused entry to the State. See 56 FR 55193. The supplemental Federal assistance provided to the State of North Carolina as outlined by the October 24, 1991 **Federal Register** notice was intended to assure protection to the workers in the State of North Carolina by supplementing the State plan enforcement efforts.

Subsequently, by letters dated March 2 and 6, 1992, North Carolina requested from Federal OSHA additional "temporary assistance regarding all complaints." In response, by letter dated March 17, 1992, Dorothy L. Strunk, acting Assistant Secretary for Occupational Safety and Health, agreed to provide temporary assistance by "accepting responsibility for the backlog of complaints filed with the State (by private sector employees) but not yet investigated." (Backloggerd complaints from State and local government workers will be retained by the State, as Federal OSHA has no jurisdiction.) This assistance should allow the North Carolina staff to handle any new complaints filed with North Carolina after March 20, 1992 and to devote additional resources to conducting random schedule "programmed" inspections.

Thus, in response to North Carolina's request, Federal OSHA will assume responsibility for investigating all backlogged health and safety complaints received by the North Carolina Department of Labor but not yet investigated as of March 20 1992. Complainants will be notified by letter of the transfer of their complaint by North Carolina and acceptance by Federal OSHA. The U.S. Department of Labor will follow its usual procedures for handling complaints, and, as appropriate may make an effort to contact the complainant to verify the complaint and to obtain updated information on whether the complained-of hazard is still present in the workplace. The State of North Carolina will continue to respond to new complaints it receives of unsafe or unhealthful working conditions, according to its own procedures. Federal OSHA will similarly continue to exercise its enforcement authority over new complaints it receives of unsafe or unhealthful working conditions as well as referrals from the Governor's "Safety Line" and all discrimination complaints.

B. Decision

Notice is hereby given that, consistent with the October 24, 1991 announcement of the exercise of concurrent Federal enforcement authority, and in response to North Carolina's recent request for additional temporary assistance, to protect the safety and health of workers in the State, Federal enforcement authority will be exercised with regard to safety or health complaints filed with the State of North Carolina by private sector workers and not yet investigated by the State as of March 20, 1992.

Authority: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)

Dorothy L. Strunk,

Acting Assistant Secretary.

[FR Doc. 92-7228 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Haitian Transactions Regulations (the "Regulations") implement the President's Executive Orders 12775 of October 4, 1991, 56 FR 50641, and 12779 of October 28, 1991, 56 FR 55975, which block all property and interests in property of the Government of Haiti located within the United States or within the possession or control of U.S. persons including their overseas branches, prohibit payments or transfers of funds to the *de facto* regime in Haiti by U.S. persons, and prohibit import and export trade between the United States and Haiti, with specified exceptions.

EFFECTIVE DATES: March 31, 1992, except that §§ 580.201, 580.202, 580.204, 580.208, 580.209 and 580.210 were effective as of 12:23 p.m., e.d.t., October 4, 1991; §§ 580.205, 580.206, and 580.207 are effective as of 11:59 p.m., e.s.t., November 5, 1991; and § 580.203 is effective as of 12 p.m., e.s.t., December 12, 1991.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel, tel.: 202/535-6020, or Steven I. Pinter, Chief of Licensing, tel.: 202/535-9449, Office of Foreign Assets Control, Department of the Treasury, Washington, DC.

SUPPLEMENTARY INFORMATION: On October 4, 1991, the President issued Executive Order 12775, declaring a national emergency with respect to Haiti, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), ordering specified measures against Haiti, and authorizing the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the Order. On October 28, 1991, the President issued Executive Order 12779, ordering additional measures against Haiti pursuant to the declaration of a continued national emergency. In implementation of these orders, the Treasury Department is issuing the Regulations. The Regulations block all property and interests in property of the Government of Haiti, its agencies, instrumentalities and controlled entities, including the Banque de la Republique d'Haiti, that on or after October 4, 1991, were in or come within the United States, or were in or come within the possession or control of U.S. persons, including their overseas branches. The Regulations also generally prohibit direct or indirect payments or transfers of funds or other financial or investment assets or credits to the *de facto* regime in Haiti by any U.S. person or by any person organized under the laws of Haiti and owned or controlled by a U.S. person. Finally, the Regulations prohibit import and export trade between the United States and Haiti, with specified exceptions. The Regulations prohibit the importation into the United States, directly or indirectly, of any goods of Haitian origin other than

publications and other informational materials, or of services performed in Haiti. The Regulations also prohibit the exportation from the United States to Haiti, directly or indirectly, of any goods, technology or services, other than (1) publications and other informational materials, (2) donations of articles intended to relieve human suffering, and (3) rice, beans, sugar, wheat flour, and cooking oil.

Certain transactions and payments are authorized or required by general license; these include:

(1) Importation of household and personal effects of Haitian origin by persons arriving from Haiti, and exportation to Haiti of accompanying baggage and accompanying personal effects;

(2) Payments for telecommunications;

(3) Specific licenses for the importation of certain machinery, parts and materials;

(4) Specific licenses for imports from and exports to assembly/production operations in Haiti;

(5) Specific licenses for the exportation of commercial shipments for humanitarian purposes of medicine and medical supplies;

(6) Importation and exportation of diplomatic pouches; and

(7) A requirement that blocked financial property be placed in interest-bearing accounts.

All General Licenses issued by the Office of Foreign Assets Control prior to March 31, 1992, may continue to be relied upon to validate actions taken prior to this date during the period of their validity. Specific licenses issued prior to this date continue in effect according to their terms unless modified by the Office of Foreign Assets Control.

Authorizations contained in General Licenses issued prior to publication of these regulations can now be found in the following sections:

Issuance date	License No.	Regulation section
11/06/91, 11/15/91	General License No. 1 as amended.	Section 580.504.
11/06/91	General License No. 2.	Section 580.505.
11/15/91	General License No. 3.	Section 580.508.
11/22/91	General License No. 4.	Section 580.510.
11/25/91	General License No. 5.	Section 580.511.
12/12/91	General License No. 6.	Section 580.203.
01/21/92	General License No. 7.	Section 580.508.
02/05/92	General License No. 8.	Section 580.515.

Transactions otherwise prohibited under this part may be authorized by a general license contained in subpart E or by a specific license issued pursuant to the procedures described in § 580.801(b) of subpart H.

Since the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

The Regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collections of information contained in the Regulations have been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1505–0133. Comments concerning the average annual burden and suggestions for reducing this burden should be directed to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, with copies to the Office of Foreign Assets Control, Department of the Treasury 1500 Pennsylvania Ave., NW.—Annex, Washington, DC 20220. Any such comments should be submitted not later than 60 days from publication.

The collections of information in the Regulations are contained in §§ 580.204(d), 580.503, 580.508, 580.509, 580.510, 580.514, 580.515, 580.601, 580.602, 580.603, 580.703, and 580.801. This information is required by the Office of Foreign Assets Control for licensing, compliance, civil penalty, and enforcement purposes. This information will be used to determine the eligibility of applicants for the benefits provided through specific licenses, to determine whether persons subject to the Regulations are in compliance with applicable requirements, and to determine whether and to what extent civil penalty or other enforcement action is appropriate. The likely respondents and recordkeepers are individuals and business organizations.

Estimated total annual reporting and/or recordkeeping burden: 2000 hours.

The estimated annual burden per respondent/recordkeeper varies from 60 minutes to 4 hours depending on individual circumstances, with an estimated average of 2 hours.

Estimated number of respondents and/or recordkeepers: 1000.

Estimated annual frequency of responses: 1000.

List of Subjects in 31 CFR Part 580

Administrative practice and procedure, Banking and finance, Blocking of assets, Exports, Haiti, Imports, Penalties, Reporting and recordkeeping requirements, Transfer of assets.

For the reasons set forth in the preamble, 31 CFR part 580 is added to 31 CFR chapter V as follows:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.

Subpart B—Prohibitions

Subpart C—General Definitions

Subpart D—Interpretations

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12775, 56 FR 50641 (Oct. 7, 1991); E.O. 12779, 56 FR 55975 (Oct. 30, 1991).

Subpart A—Relation of This Part to Other Laws and Regulations

§ 580.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulations authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 580.201 Prohibited transactions involving property in which the Government of Haiti has an interest; transactions with respect to securities.

(a) Except as authorized by regulations, orders, directives, licenses, or otherwise, all property and interests in property of the Government of Haiti, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons including their overseas branches, are blocked.

(b) Except as authorized by regulations, orders, directives, licenses, or otherwise, no property or interest in property of the Government of Haiti that is in the United States, that hereafter comes within the United States, or that is or hereafter comes within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(c) Unless authorized by a license expressly referring to this section, the acquisition, transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of the Government of Haiti is prohibited irrespective of the fact that at any time (either prior to, on, or subsequent to 12:23 p.m., e.d.t., October 4, 1991) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred, or otherwise disposed of any such security.

§ 580.202 Prohibited payments or transfers to the de facto regime in Haiti.

Except as authorized by regulations, orders, directives, licenses, or otherwise, no direct or indirect payments or transfers may be made to the *de facto* regime in Haiti of funds, including currency, cash, or coins of any nation, or of other financial or investment assets or credits, by any United States person, or by any person organized under the laws of Haiti and owned or controlled by a United States person. All transfers or payments owed to the Government of Haiti shall be made when due into an account at the Federal Reserve Bank of New York, as provided in § 580.404, or credited to a blocked reserve account, as provided in § 580.509.

§ 580.203 Holding of certain types of blocked property in interest-bearing accounts.

(a) Any person, including a U.S. financial institution, currently holding property subject to § 580.201 which, as of the effective date of this section, December 12, 1991, or the date of receipt if subsequent to the effective date, is not being held in an interest-bearing account, or otherwise invested in a manner authorized by the Office of Foreign Assets Control, shall transfer such property to, or hold such property or cause such property to be held in, an interest-bearing account in a U.S. financial institution with value as of the effective date of this section or the date of receipt if subsequent to the effective date, unless otherwise authorized or directed by the Office of Foreign Assets Control. This requirement shall apply to currency, bank deposits, accounts, any other financial assets, and any proceeds resulting from the sale of tangible or intangible property. If interest is credited to an account separate from that in which the interest-bearing asset is held, the name of the account party on both accounts must be the same and must clearly indicate the blocked Government of Haiti entity having an interest in the accounts.

(b) For purposes of this section, the term "interest-bearing account" means a blocked account in a U.S. financial institution earning interest at rates that are commercially reasonable for the amount of funds in the account. Except as otherwise authorized, the funds may not be invested or held in instruments the maturity of which exceeds 90 days.

(c) This section does not apply to blocked tangible property, such as chattels, nor does it create an affirmative obligation on the part of the holder of such blocked tangible property to sell or liquidate the property and put the proceeds in a blocked account. However, the Office of Foreign Asssets Control may issue licenses permitting or directing sales of tangible property in appropriate cases.

§ 580.204 Effect of transfers violating the provisions of this part.

(a) Any transfer after 12:23 p.m., e.d.t., October 4, 1991, which is in violation of any provision of this part or of any regulation, order, directive, license, or other direction or authorization hereunder and involves any property in which the Government of Haiti has or has had an interest since such date, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before 12:23 p.m., e.d.t., October 4, 1991, shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which the Government of Haiti has an interest, or has had an interest since such date, unless the person with whom such property is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to such date.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act and this part, and any ruling, order, regulation, direction or instruction issued hereunder.

(d) Transfers of property which otherwise would be null and void or unenforceable, by virture of the provisions of this section, shall not be deemed to be null and void or unenforceable pursuant to such provisions, as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to this part and was not so licensed or authorized, or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fradulently obtained; and

(3) Promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license or other direction or authorization hereunder, or

(ii) Such transfer was not licensed or authorized by the Office of Foreign Assets Control, or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained;

the person with whom such property was held or maintained filed with the Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC, a report setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed to be compliance or evidence of compliance with paragraphs (d) (1) and (2) of this section.

(e) Unless licensed or authorized pursuant to this part, any attachement, judgment, decree, lien, execution, garnishment or other judicial process is null and void with respect to any property in which on or since 12:23 p.m., e.d.t., October 4, 1991, there existed an interest of the Government of Haiti.

§ 580.205 Prohibited importation of goods or services from Haiti.

(a) Except as otherwise authorized, no goods or services of Haitian origin, other than publications and other informational materials, may be imported into the United States.

(b) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of goods containing parts of materials exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were assembled or processed into goods containing parts or materials exported from the United States, is authorized.

Note to paragraph (b): Transactions authorized by paragraph (b) of this section have been completed prior to publication of this part. The text of paragraph (b) is included for the convenience of the user. See also § 580.508.

§ 580.206 Prohibited exportation of goods, technology or services to Haiti.

Except as otherwise authorized, no goods, technology (including technical data or other information), or services may be exported from the United States, either directly or indirectly, to Haiti, except (a) publications and other informational materials, (b) donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies, and (c) rice, beans, sugar, wheat flour, and cooking oil.

§ 580.207 Exemption of informational materials.

(a) The importation from Haiti, and the exportation to Haiti, whether commercial or otherwise, of informational materials, as defined in § 580.310, are exempt from the prohibitions and regulations of this part.

(b) All transactions of common carriers incident to the importation or exportation of informational materials between the United States and Haiti are exempt from the prohibitions and regulations of this part.

(c) This section does not authorize transactions related to informational materials not fully created and in existence at the date of the transaction, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services by a person subject to the jurisdiction of the United States. Such prohibited transactions include, without limitation, payment of advances for informational materials not yet created and completed, provision of services to market, produce or co-produce, create or assist in the creation of informational materials, and payment of royalties to a person in Haiti with respect to income received for enhancements or alterations made by U.S. persons to informational materials imported from Haiti.

(d) This section does not authorize transactions incident to the transmission of restricted technical data as defined in part 779 of the Export Administration Regulations, 15 CFR parts 768 through 799, or to the exportation of goods for use in the transmission of any data. The exportation of such goods to Haiti is prohibited, as provided in § 580.206 of this part and § 785.1 of the Export Administration Regulations.

Example #1: A U.S. publisher ships 500 copies of a book to Haiti directly from Miami

aboard a chartered aircraft, and receives payment by a bank in Haiti. These are permissible transactions under this section.

Example #2: A Haitian party exports a single master copy of a Haitian motion picture to a U.S. party and licenses the U.S. party to duplicate, distribute, show and exploit in the United States the Haitian film in any medium, including home video distribution, for five years, with the Haitian party receiving 40% of the net income. The transactions relating to the activities described in this example are authorized under this section or § 580.507.

Example #3: A U.S. recording company proposes to contract with a Haitian musician to create certain musical compositions in Haiti and to advance royalties of $10,000 to the musician. This is a prohibited transaction. The U.S. party is prohibited under § 580.206 from contracting for the Haitian musician's services to be performed in Haiti. No informational materials are in being at the time of this proposed transaction. However, the U.S. recording company may propose to contract with a Haitian musician for services to be performed outside of Haiti, irrespective of whether the informational materials are in being at the time of the proposed transaction, provided the Haitian national is not acting on behalf of the *de facto* regime. See §§ 580.206 and 580.309(c).

Example #4: A Haitian party enters into a sub-publication agreement licensing a U.S. party to print and publish copies of a musical composition and to sub-license rights of public performance, adaptation, and arrangement of the musical composition, with payment to be a percentage of income received. All transactions related to the activities described in this example are authorized under this section and 580.507, except for synchronization, adaptation, and arrangement, which constitute artistic enhancement of the Haitian composition. Payment to the Haitian party may not reflect income received as a result of these enhancements.

§ 580.208 Prohibited grants or extensions of credits or loans.

Except as authorized, no U.S. person may grant or extend credits or loans to the Government of Haiti.

§ 580.209 Evasions.

Any transaction for the purpose of, or which has the effect of, evading or avoiding any of the prohibitions set forth in this subpart is hereby prohibited.

§ 580.210 Effective date.

The effective dates of the prohibitions and directives contained in this subpart B are as follows:

(a) With respect to §§ 580.201, 580.202, 580.204, 580.208, 580.209 and 580.210, 12:23 p.m., e.d.t., October 4, 1991;

(b) With respect to §§ 580.205, 580.206 and 580.207, 11:59 p.m., e.s.t., November 5, 1991;

(c) With respect to § 580.203, 12:00 p.m. e.s.t., December 12, 1991.

Subpart C—General Definitions

§ 580.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property in which the Government of Haiti has an interest, and with respect to which payments, transfers, exportations, withdrawals or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control authorizing such action.

§ 580.302 Credits.

The term *credits* means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit. The term "credits" includes, but is not limited to: overdrafts; purchases of debt securities issued by the Government of Haiti after October 4, 1991; sales of financial assets subject to an agreement to repurchase; renewals or refinancings whereby funds or credits are transferred to or extended to the Government of Haiti; and drawdowns on existing lines of credit.

§ 580.303 De facto regime in Haiti.

(a) The term *de facto regime in Haiti* includes:

(1) Those who seized power illegally from the democratically elected government of President Jean-Bertrand Aristide on September 30, 1991, and any agencies, instrumentalities or entities purporting to act on behalf of the *de facto* regime in Haiti or under the asserted authority thereof, or any extraconstitutional successor thereto;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since 12:23 p.m., e.d.t., October 4, 1991, acting or purporting to act directly or indirectly on behalf of any of the foregoing; or

(4) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section. Such determinations shall be published from time to time in the **Federal Register**, but shall be binding prior to such publication upon any person receiving actual notice thereof.

(b) A partnership, association, corporation, or other organization shall not be deemed to fall within the definition of the *de facto regime in Haiti* solely by reason of being located in, organized under the laws of, or having its principal place of business in, Haiti.

§ 580.304 Effective date.

The term *effective date* refers to the effective date of the applicable prohibition, as identified in § 580.210.

§ 580.305 Entity.

The term *entity* includes a corporation, partnership, association, or other organization.

§ 580.306 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

§ 580.307 Government of Haiti

The term *Government of Haiti* includes the state and the Government of Haiti or any persons purporting to be the Government of Haiti (including the *de facto* regime in Haiti), as well as any political subdivision, agency, instrumentality or controlled entity thereof, including the Banque de la Republique d'Haiti.

§ 580.308 Haiti.

The term *Haiti* means the Republic of Haiti and all areas under the jurisdiction or authority thereof.

580.309 Haitian origin.

The term *goods or services of Haitian origin* includes:

(a) Goods produced, manufactured, grown, extracted or processed within Haiti;

(b) Goods which have entered into Haitian commerce; and

(c) Services performed in Haiti, or by a Haitian national, wherever located, who is acting as an agent, employee, or contractor of the *de facto* regime in Haiti.

§ 580.310 Informational materials.

(a) For purposes of this part, the term *informational materials* means:

(1) Publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, and other informational articles, including tangible items described in the following:

(2) 15 CFR 799.1, Control List, Group 5, CL No. 7599I: microfilm that reproduces the content of certain publications, and similar materials;

(3) 15 CFR 799.1, Control List, Group 9, CL No. 7599I: certain publications and related materials; and

(4) 15 CFR 799.3, General License GTDA, technical data available to all destinations;

(b) The term "informational materials" does not include:

(1) Items that are controlled for export for national security reasons under section 5 of the Export Administration Act of 1979, or with respect to which acts are prohibited by chapter 37 of title 18 of the United States Code; and

(2) Intangible items, such as telecommunications transmissions.

§ 580.311 Interest.

Except as otherwise provided in this part, the term "interest" when used with respect to property (*e.g.*, "an interest in property") means an interest of any nature whatsoever, direct or indirect.

§ 580.312 License.

Except as otherwise specified, the term *license* means any license, authorization, or directive contained in or issued by the Office of Foreign Assets Control pursuant to this part.

§ 580.313 Person.

The term *person* means an individual, partnership, association, corporation, or other organization.

§ 580.314 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgements, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interesis therein, present, future or contingent.

§ 580.315 Specific license.

The term *specific license* means any license, authorization, or directive not set forth in this part but issued by the Office of Foreign Assets Control pursuant to this part in response to a written application.

§ 580.316 Transfer.

The term *transfer* means any actual or purported act of transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and, without limitation upon the forgoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 580.317 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 580.318 U.S. financial institution.

The term *U.S. financial institution* means any U.S. person (including foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent; including, but not limited to, depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

§ 580.319 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen; permanent resident alien; juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign branches; or any person in the United States.

Subpart D—Interpretations

§ 580.401 Reference to amended sections.

Except as otherwise specified, reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended.

§ 580.402 Effect of amendment.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 580.403 Termination and acquisition of an interest of the Government of Haiti.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from the Government of Haiti, such property shall no longer be deemed to be property in which the Government of Haiti has or has had an interest unless there exists in the property another such interest, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred to the Government of Haiti, such property shall be deemed to be property in which there exists an interest of the Government of Haiti.

§ 580.404 Payments to the de facto regime in Haiti prohibited; procedures for making payments to the Federal Reserve Bank of New York.

(a) The prohibitions on payments and transfer to the *de facto* regime in Haiti in § 580.202 shall apply to payments and transfers of any kind whatsoever, including payment of debt obligations, fees, taxes, and royalties owed to the Government of Haiti, and also including payment or transfer of dividends, interest payments, and other periodic payments.

(b) Payments or transfers owed to the Government of Haiti shall be made to "Government of Haiti Account No. 021083909," established on the books of the Federal Reserve Bank of New York pursuant to § 580.202. Payments or transfers of funds into Government of Haiti Account No. 021083909 over FedWire should be made using Typecode 15. The transfer instructions should name "Government of Haiti Account No. 021083909" and identify the nature of the payment.

§ 580.405 Indirect payments to the de facto regime in Haiti; payments by subsidiaries in third countries.

The prohibitions in § 580.202 on payments or transfers to the *de facto* regime in Haiti apply to indirect payments (including reimbursement of a non-U.S. person for payment) made after 12:23 p.m., e.d.t., October 4, 1991. Unlicensed payments or transfers made to the *de facto* regime in Haiti from U.S. subsidiaries or branches in third countries shall, where such payments or transfers are normally made from the United States or Haiti, be considered an evasion of the prohibitons set forth in § 580.202. Payments or transfers routinely made from such third-country entities, however, are not prohibited.

§ 580.406 Setoffs prohibited.

(a) A setoff against a blocked account, whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 580.202 if effected after 12:23 p.m., e.d.t., October 4, 1991.

(b) Except as licensed or otherwise authorized, a setoff as a method of settling payments with the *de facto* regime in Haiti, as by netting or canceling a debt or other obligation, is prohibited.

§ 580.407 Payments in kind.

Payments in kind made to the *de facto* regime in Haiti in lieu of a payment or transfer of funds, which term includes currency, cash or coins of any nation, as well as other financial or investment assets or credits, shall be considered an evasion of the prohibitions in subpart B.

§ 580.408 Offshore transactions.

The prohibitions contained in § 580.201 apply to transactions by U.S. persons in locations outside the United States with respect to property in which the U.S. person knows, or has reason to know, that the Government of Haiti has or has had an interest since the effective date.

§ 580.409 Transshipments through the United States prohibited.

(a) The prohibitions in § 580.206 apply to the importation into the United States, for transshipment or transit, of goods or services which are intended or destined for Haiti.

(b) The prohibitions in § 580.205 apply to the importation into the United States, for transshipment or transit, of goods or services of Haitian origin which are intended or destined for third countries.

(c) Goods in which the Government of Haiti has an interest which are imported into or transshipped through the United States are blocked pursuant to § 580.201.

§ 580.410 Importation from third countries; transshipments.

(a) Importation into the United States from third countries of goods containing raw materials or components of Haitian origin is not prohibited if those raw materials or components have been incorporated into manufactured products or substantially transformed in a third country.

(b) Importation into the United States of goods of Haitian origin that have been transshipped through a third country without being incorporated into manufactured products or substantially transformed in a third country is prohibited.

§ 580.411 Exportation to third countries; transshipments.

Exportation of goods, technology (including technical data and other information), or services from the United States is prohibited if the exporter knows, or has reason to know, that the goods, technology or services are intended for transshipment to Haiti (including passage through, or storage in, intermediate destinations). The exportation from the United States of goods or technology intended specifically for incorporation or substantial transformation into a third-country product is also prohibited if the particular product is to be used in Haiti, is being specifically manufactured to fill a Haitian order, or if the manufacturer's sales of the particular product are predominantly to Haiti.

§ 580.412 Importation into and release from bonded warehouse or foreign trade zone.

The prohibitions in § 580.205 apply to importation into a bonded warehouse or a foreign trade zone of the United States. However, § 580.205 does not prohibit the release from a bonded warehouse or a foreign trade zone of goods of Haitian origin imported into a bonded warehouse or a foreign trade zone prior to the effective date of § 580.205 or in a transaction authorized pursuant to this part after the effective date.

Note: Pursuant to § 580.201, property in which the Government of Haiti has an interest may not be released unless authorized or license by the Office of Foreign Assets Control.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 580.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions in subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 580.502 Exclusion from licenses and authorizations.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person from the operation

of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

§ 580.503 Payments and transfers to blocked accounts in U.S. financial institutions.

(a) Any payment of funds or transfer of credit or other assets, including any payment or transfer by any U.S. person outside the United States, to a blocked account in a U.S. financial institution located in the United States in the name of the Government of Haiti is hereby authorized, including incidental foreign exchange transactions, provided that such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of any interest of the Government of Haiti to any other country or person.

(b) This section authorizes transfer of the funds of a blocked demand deposit account to a blocked interest-bearing account under the same name or designation as was used for the demand deposit account, as required pursuant to § 580.203 or at the instruction of the depositor, at any time. If such transfer is to a blocked account in a different U.S. financial institution, such transfer must be made to a blocked account in a U.S. financial institution located in the United States, and the transferee financial institution must furnish within 10 business days of the date of transfer, the notification described in paragraph (h) of this section to the Office of Foreign Assets Control, Blocked Assets Division.

(c) This section does not authorize any transfer from a blocked account within the United States to an account held outside the United States.

(d) This section does not authorize any payment or transfer to any blocked account held in a name other than that of the Government of Haiti where such government is the ultimate beneficiary of such payment or transfer.

(e) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(f) This section does not authorize the crediting of the proceeds of the sale of securities or other assets, held in a blocked account or a sub-account thereof, or the income derived from such securities or assets, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities or assets were or are held.

(g) This section does not authorize any payment or transfer from a blocked account in a U.S. financial institution to a blocked account held under any name or designation which differs from the name or designation of the specific blocked account or sub-account from which the payment or transfer is made.

(h) The authorization in paragraph (a) of this section is subject to the condition that written notification from the U.S. financial institution receiving an authorized payment or transfer is furnished to the Office of Foreign Assets Control, Blocked Assets Division, within 10 business days from the date of payment or transfer. This notification shall confirm that the payment or transfer has been deposited in a blocked account under the regulations in this part and shall provide the account number, the name and address of the Government of Haiti entity in whose name the account is held, the name and address of the transferee U.S. financial institution, the name and address of the transferor financial institution, the amount of the payment or transfer, and the name and telephone number of a contact person at the transferee financial institution from whom compliance information may be obtained.

(i) This section authorizes the transfer of assets between blocked accounts in U.S. financial institutions at the instruction of the depositor for purposes of investment and reinvestment of assets in which the Government of Haiti has an interest, as authorized in § 580.514. If such transfer is to a blocked account in a different U.S. financial institution, the transferee financial institution must furnish within 10 business days of the date of transfer the notification described in paragraph (h) of this section to the Office of Foreign Assets Control, Blocked Assets Division.

§ 580.504 Importation of household and personal effects.

(a) The importation of household and personal effects of Haitian origin, including baggage and articles for family use, of a person arriving in the United States directly or indirectly from Haiti is authorized. Articles included in such effects may be imported without limitation provided they were actually used by such person or family abroad, are not intended for any other person or for sale, and are not otherwise prohibited from importation.

(b) Persons departing the United States for Haiti are authorized to export from the United States accompanying personal baggage and accompanying personal effects.

§ 580.505 Transactions related to telecommunications authorized.

All transactions of U.S. common carriers incident to the receipt or transmission of telecommunications between the United States and Haiti are authorized, provided any payment owed to the *de facto* regime in Haiti is paid into a blocked account in a U.S. financial institution. For purposes of this section, the term "telecommunications" shall mean telephone, telex, and telegraph transmissions, and transmissions for the gathering or broadcast of news.

§ 580.506 Transactions related to mail authorized.

All transactions by U.S. persons, including payment and transfers to common carriers incident to the receipt or transmission of mail between the United States and Haiti, are authorized. For the purposes of this section the term "mail" shall include parcels only to the extent the parcels contain goods exempt from this part or otherwise eligible for exportation to or importation from Haiti under a general or specific license.

§ 580.507 Transactions related to informational materials.

(a) All financial and other transactions directly incident to the physical importation or exportation of informational materials are authorized.

(b) Transactions relating to the dissemination of informational materials are authorized, including remittance of royalties paid for informational materials that are reproduced, translated, subtitled, or dubbed. This section does not authorize the remittance of royalties or other payments relating to works not yet in being, or for marketing and business consulting services, or for artistic or other substantive alteration or enhancements to informational materials, as provided in § 580.207(c).

§ 580.508 Importation of certain machinery, parts and materials.

(a) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of machinery owned or leased by U.S. persons and used in Haiti in the assembly or processing of articles, including spare parts for such machinery, is authorized.

(b) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of parts or materials

exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were intended to be assembled or processed into goods containing parts or materials exported from the United States, is authorized.

Note to paragraphs (a) and (b): Transactions authorized by paragraphs (a) and (b) of this section have been completed prior to publication of this part. The text of this general license is included for the convenience of the user.

(c) Specific licenses may be issued on a case-by-case basis authorizing the importation into the United States after 11:59 p.m., e.s.t., December 5, 1991, of machinery owned or leased by U.S. persons and used in Haiti in the assembly or processing of articles, including spare parts for such machinery, and parts or materials exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were intended to be assembled or processed into goods containing parts or materials exported from the United States.

(d) Applications for specific licenses should be made in advance of the proposed importation from Haiti. Applications for specific licenses to import machinery should include a description of the machinery, information regarding the interest of U.S. persons in the machinery, and information regarding the use of the machinery in Haiti. Applications for specific licenses to import parts or materials should provide evidence of exportation to Haiti prior to the effective date and evidence that the goods into which they were to be assembled or processed would have contained parts exported from the United States prior to the effective date. Such evidence may include, without limitation, invoices, manifests, bills of lading, and other documentation describing the parts and materials and establishing shipment prior to the effective date.

§ 580.509 Reserve accounts.

(a) United States persons and U.S.-controlled Haitian entities that are required under § 580.202 to make payments and transfers of certain funds owed to the Government of Haiti into Government of Haiti Account No. 021083909 at the Federal Reserve Bank of New York may elect instead to apply for a specific license authorizing them to establish a blocked reserve account on their books in the name of the Haitian governmental entity to whom the amount is owed. Specific licenses may be issued to permit the crediting of such reserve accounts for amounts due and owing to the Government of Haiti, which amounts shall include the principal amount of funds due, plus interest thereon, determined pursuant to paragraph (b) of this section, accrued from the later of October 4, 1991, or the date that timely payment to the Government of Haiti was required, to the date of crediting to the reserve account. In the case of funds already credited to Government of Haiti Account No. 021083909, specific licenses may be issued authorizing transfer of such amounts (including accrued interest) to reserve accounts established pursuant to this section. Such licenses are revocable and are conditioned upon continued compliance with the requirements of this part. Upon revocation of a license or at the direction of the Director of the Office of Foreign Assets Control, the credit balances in such reserve accounts must be funded and paid into Government of Haiti Account No. 021083909.

(b) Amounts credited to reserve accounts pursuant to this section shall bear interest at a rate not less than the weekly average effective Federal Funds rate, as published by the Federal Reserve Board, applicable to each week of the period in which credit balances are maintained pursuant to this section.

(c) If necessary to assure the availability of credit balances blocked in reserve accounts pursuant to this section, the Director of the Office of Foreign Assets Control may at any time require the immediate funding and payment of such blocked credit balances into Government of Haiti Account No. 021083909 at the Federal Reserve Bank of New York, as provided in § 580.404, or the supplying of any form of security deemed necessary.

(d) A person receiving a specific license under paragraph (a) of this section will be required to certify to the Office of Foreign Assets Control within 15 business days after receipt of that license that it has established the reserve account on its book as provided in paragraph (a). Unless otherwise provided, a person licensed to establish such a reserve account shall file monthly reports with the Office of Foreign Assets Control setting forth all credits to the reserve account, and interest payable in accordance with paragraph (b) of this section on the reserve account, together with the nature of the debt and the name of the Haitian governmental entity to which it is owed. The report shall also contain a certification from an authorized official of the entity submitting the report that the entity is in compliance with all other requirements of this part.

§ 580.510 Commercial exportation of medicines and medical supplies.

Specific licenses may be issued on a case-by-case basis for commercial shipments to Haiti for humanitarian purposes of medicine and medical supplies. No shipment to the *de facto* regime in Haiti, or to anyone acting for or on behalf of the *de facto* regime, will be licensed. Applications for specific licenses should be made in advance of the proposed exportation to Haiti, and should provide notice and evidence of the nature, quantity, value, and purchaser of the articles to be shipped.

§ 580.511 Diplomatic pouches authorized.

The importation into the United States from Haiti, and the exportation from the United States to Haiti, of diplomatic pouches and their contents are permitted.

§ 580.512 Importation of certain gifts authorized.

The importation into the United States is authorized for goods of Haitian origin sent as gifts to persons in the United States where the value of the gift is not more than $100.

§ 580.513 Certain exportations for the Organization of American States.

All transactions ordinarily incident to the exportation of any goods or services from the United States for official or personal use by personnel employed by the diplomatic missions of the Organization of American States to Haiti are authorized, not for resale, and unless the exportation is otherwise prohibited by law.

§ 580.514 Investment and reinvestment of Government of Haiti funds held in blocked accounts.

(a) U.S. financial institutions are hereby authorized to invest and reinvest assets held in blocked accounts in the name of the Government of Haiti, subject to the following conditions:

(1) The assets representing such investments and reinvestments are credited to a blocked account or sub-account which is in the name of the Government of Haiti and which is located in the United States or within the possession or control of a U.S. person; and

(2) The proceeds of such investments and reinvestments are not credited to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such funds or securities were held; and

(3) No immediate financial or economic benefit accrues (*e.g.*, through

pledging or other use) to the *de facto* regime in Haiti.

(b) (1) U.S. persons seeking to avail themselves of this authorization must register with the Office of Foreign Assets Control, Blocked Assets Section, before undertaking transactions authorized under this section.

(2) Transactions conducted pursuant to this section must be reported to the Office of Foreign Assets Control, Blocked Assets Division, in a report filed no later than 10 business days following the last business day of the month in which the transactions occurred.

§ 580.515 Importation from and exportation to assembly/production operations.

(a) Specific licenses may be issued on a case-by-case basis authorizing certain exportations from the United States to Haiti, and importations into the United States from Haiti, by certain U.S. persons engaged in the assembly or processing in Haiti of articles for export to the United States which contain parts or materials exported from the United States.

(b) A license must be issued prior to any exportation to or importation from Haiti. Applications should be directed to the Office of Foreign Assets Control and should provide the following information:

(1) Identification of the U.S. importer and the assembly or processing operation in Haiti, including principal owners and managers. If either the U.S. importer or the assembly or processing operation in Haiti is owned by a Haitian person or persons, the name and address of such person(s) shall be provided;

(2) A declaration that the Haitian assembly or processing operation was producing articles for exportation to the United States prior to November 6, 1991;

(3) A declaration that no United States person identified in paragraph (b)(1) of this section has, since October 4, 1991, directly or indirectly paid or transferred funds to the *de facto* regime or otherwise engaged in any activity prohibited by Executive Orders 12775 and 12779;

(4) A description of the method by which any amounts owed to the Government of Haiti (including the *de facto* regime) by United States persons identified in paragraph (b)(1) of this section in connection with the articles assembled or processed in Haiti are being paid (*i.e.*, into an account at the Federal Reserve Bank of New York or as otherwise authorized by the Office of Foreign Assets Control);

(5) A description of the article(s) assembled or produced in Haiti, as well as the parts or materials they contain which are exported from the United States; and

(6) A description of any tariff preference which will be claimed with respect to the articles exported to the United States (*e.g.*, a reduction in dutiable value under subheading 9802.22.80, HTS, or duty-free treatment under the Caribbean Basin Economic Recovery Act).

(c) Unless otherwise provided for in the license, the license shall permit until its expiration date exportations and importations by the named licensee for the purposes and under the conditions set forth in the license. The licensee shall immediately advise the Office of Foreign Assets Control of any action or event which materially affects the accuracy or completeness of any statement or representation made in the license application and shall refrain from engaging in any transaction authorized by the license pending written authorization by the Office of Foreign Assets Control.

(d) The licensee shall provide to the Office of Foreign Assets Control, Licensing Division, within 30 days of the close of each three month period following the date of issuance of the license a report summarizing each transaction authorized by the license which was undertaken during the reporting period. The report shall list the description and quantity of all exports and imports, as well as the dates and U.S. ports of exportation and importation.

Subpart F—Reports

§ 580.601 Required records.

(a) Except as otherwise provided, every person engaging in any transaction subject to the provisions of this part shall keep a full and accurate record of each transaction engaged in, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least 5 years after the date of such transaction. Except as otherwise provided, every person holding property subject to § 580.201 shall keep a full and accurate record of such property, and such record shall be available for examination for the period of time that such property is blocked and for at least 5 years after the date such property is unblocked.

(b) Any person, other than an individual, required to maintain records pursuant to this section, must designate an individual to be responsible for providing information concerning such records to the Office of Foreign Assets Control when so requested.

§ 580.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required, complete information relative to any transaction, regardless of whether such transaction is effected pursuant to license or otherwise, subject to the provisions of this part. Such reports may be required to include the production of any books of account, contracts, letters, or other papers connected with any such transaction or property, in the custody or control of the person required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Director of the Office of Foreign Assets Control may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation, regardless of whether any report has been required or filed in connection therewith.

§ 580.603 Registration of persons holding blocked property subject to § 580.201.

(a) Any individual holding property subject to § 580.201 must register with the Office of Foreign Assets Control, Blocked Assets Division by the latter of April 30, 1992, or within 10 days after the date such property is received or becomes subject to § 580.201.

(b) Any person, other than an individual, holding property subject to § 580.201 must register the person designated under § 580.601(b) to be responsible for providing information concerning records under § 580.601(a) with the Ofice of Foreign Assets Control, Blocked Assets Division by the later of April 30, 1992, or 10 days after the date such property is received and becomes subject to § 580.201.

Subpart G—Penalties

§ 580.701 Penalties

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705), which provides that:

> A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under the International Emergency Economic Powers Act.

Whoever willfully violates any license, order, or regulation issued under the International Emergency Economic Powers Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

Section 206 of the International Emergency Economic Powers Act is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act.

(b) Attention is directed to 18 U.S.C. 1001, which provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Violations of this part may also be subject to relevant provisions of the Customs laws and other applicable laws.

§ 580.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (the "Director") has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Director pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within 30 days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

§ 580.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

§ 580.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of the determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

§ 580.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart to make payment arrangements acceptable to the Director within 30 days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

§ 580.706 Seizure of shipments.

Import shipments into the United States of goods of Haitian origin in violation of § 580.205 shall be seized. No such importation shall be permitted to proceed, except as specifically authorized by the Office of Foreign Assets Control. Such shipments shall be subject to licensing, penalties, or seizure and forfeiture action pursuant to this part, the Customs laws, or other applicable provisions of law, depending on the circumstances.

Subpart H—Procedures

§ 580.801 Licensing.

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions contained in subpart B of this part. All such licenses are set forth in subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses. Failure to file such reports or statements will nullify the authority of the general license as to those persons.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific licenses.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transactions prohibited by or pursuant to this part may be filed by letter with the Office of Foreign Assets Control. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, but the applicant for a specific license is required to make full disclosure of all parties in interest to the transaction so that a decision on the application may be made with full knowledge of all relevant facts and so that the identity and location of the persons who know about the transaction may be easily ascertained in the event of inquiry.

(3) *Information to be supplied.* The applicant must supply all information specified by relevant instructions and/or forms, and must fully disclose the names of all the parties who are concerned with or interested in the proposed transaction. If the application is filed by an agent, the agent must disclose the name of his principal(s). Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is

deemed necessary to a proper determination by the Office of Foreign Assets Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or licenses may be issued by the Secretary of the Treasury acting directly or through any specifically designated person, agency, or instrumentality.

(c) *Address.* License applications, reports, and inquiries should be addressed to the appropriate division or individual within the Office of Foreign Assets Control, or to its Director, at the following address: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220.

§ 580.802 Decisions

The office of Foreign Assets Control will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 580.803 Amendment, modification, or revocation.

The provisions of this part and any rulings; licenses, whether general or specific; authorizations; instructions; orders; or forms issued hereunder may be amended, modified, or revoked at any time.

§ 580.804 Rulemaking.

(a) In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States, and for that reason is exempt from the requirements under the administrative Procedure Act (5 U.S.C. 553) for notice of proposed rulemaking, opportunity for public comment, and delay in effective date. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment, or repeal of any rule.

§ 580.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Orders 12775 and 12779 and any further Executive orders relating to the national emergency declared with respect to Haiti in Executive Order 12775 may be taken by the Director of the Office of Foreign Assets Control.

§ 580.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by the Freedom of Information Act (5 U.S.C. 552) to be made available to the public shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552 and published as part 1 of this title.

(b) The records of the Office of Foreign Assets Control required by the Privacy Act (5 U.S.C. 552a) to be made available to an individual shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on Disclosure of Records of the Departmental Office and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552a and published as part 1 of this title.

(c) Any form used in connection with the Haitian Transactions Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220.

§ 580.807 Customs procedures: merchandise specified in § 580.205.

(a) With respect to goods specified in § 580.205 and not otherwise licensed or excepted from the scope of that section, appropriate Customs officers shall not accept or allow any:

(1) Entry for consumption or warehouse (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any informal entries);

(2) Entry for immediate exportation;

(3) Entry for Transportation and exportation;

(4) Withdrawal from warehouse;

(5) Admission, entry, transfer or withdrawal to or from a foreign trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign trade zone.

(b) Customs officers shall accept or allow the importation of Haitian-origin goods under the procedures listed in paragraph (a) of this section if:

(1) The merchandise was imported prior to 11:59 p.m., e.s.t., November 5, 1991, or

(2) The merchandise was imported prior to 11:59 p.m., e.s.t., December 5, 1991, pursuant to § 580.205(b) or § 580.508 (a) or (b), or

(3) A specific license pursuant to this part is presented, or

(4) Instructions authorizing the transaction are received from the Office of Foreign Assets Control.

(c) Whenever a specific license is presented to an appropriate Customs officer in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the appropriate Customs officers at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the appropriate Customs officers in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation shall be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes

the entry, withdrawal, or other transaction with regard to the merchandise, the appropriate Customs officer, or other authorized Customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the appropriate Customs officer to the Office of Foreign Assets Control.

(d) If it is unclear whether an entry, withdrawal or other action affected by this section requires a specific license, the appropriate Customs officer shall advise such person to communicate directly with the Office of Foreign Assets Control to request that instructions be sent to the Customs officer to authorize him to take action with regard thereto.

Subpart I—Paperwork Reduction Act

§ 580.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 580.204(d), 580.503, 580.508, 580.509, 580.510, 580.514 580.515, 580.601, 580.602, 580.603, 580.703, and 580.801 have been approved by the Office of Management and Budget under the Paperwork Reduction Act and assigned control number 1505–0133.

Dated: February 28, 1992.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 17, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–7329 Filed 3–26–92; 8:45 am]

BILLING CODE 4810–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7535]

Federal Insurance Administration; List of Communities Eligible for the Sale of Flood Insurance

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, MD 20706, (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street, SW, room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 46

Flood insurance and floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 64.6 List of Eligible Communities.

* * * * *

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
NEW ELIGIBLES—Emergency Program:				
Indiana	Starke County, Unincorporated Areas	180240	Jan. 6, 1992	Sept. 2, 1977.
Georgia	Towns County, Unincorporated Areas	130253	Jan. 7, 1992	Do.
Texas	Anderson County, Unincorporated Areas	480001	Jan. 24, 1992	Jan. 24, 1978.
Maine	Lowell, Town of Penobscot County	230395	Jan. 27, 1992	Feb. 21, 1975.
Tennessee	Piperton, City of Fayette County	470401	....do	Do.
Texas	Thompsons, Town of Fort Bend County	481642	Jan. 29, 1992	Do.
California	Fort Mojave Indian Tribe, San Bernardino County [1].	060743	Jan. 31, 1992	Feb. 21, 1992.
NEW ELIGIBLES—Regular Program:				
Michigan	Menominee, Township of Menominee County.	260702	Jan. 7, 1992	Mar. 28, 1980.

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
Wisconsin	Marquette County, Unincorporated Areas	550601	Jan. 27, 1992	Sept. 27, 1991.
Do	Necedah, Village of Juneau County	550205	do	Sept. 18, 1991
REINSTATEMENTS—Regular Program:				
Ohio	Florida, Village of Henry County	390263	June 28, 1990—Emerg., June 5, 1980—Susp., June 26, 1989—Rein. Dec. 17, 1991—Reg., Dec. 17, 1991—Susp., Jan. 6, 1992—Rein.	Dec. 17, 1991
Iowa	Sheldon, City of O'Brien County	190216	July 25, 1975—Emerg., Sept. 18, 1985—Susp., Sept. 18, 1985—Rein., Nov. 27, 1985—Reg., June 3, 1988—Susp., Jan. 13, 1992—Rein.	Sept. 18, 1985.
Maine	Machiasport, Town of Washington County	230141	May 7, 1975—Emerg., Aug. 5, 1991—Reg., Aug. 5, 1991—Susp., Jan. 14, 1992—Rein.	Aug. 5, 1991.
Vermont	Middletown Springs, Town of Rutland County.	500261	June 30, 1975—Emerg., Sept. 18, 1985—Reg., Sept. 18, 1985—Susp., Jan. 21, 1992—Rein.	Sept. 18, 1985.
Pennsylvania	Tyrone, Township of Adams County	421163	April 26, 1974—Emerg., June 1, 1989—Reg., June 1, 1989—Susp., Jan. 31, 1992—Rein.	June 1, 1989.
Regular Program Conversions:				
Region II:				
New York	Pamelia, Town of Jefferson County	360346	January 2, 1992, Suspension Withdrawn.	Jan. 2, 1992.
Do	Evans Mills, Village of Jefferson County	360337	do	Do..
Region III:				
Pennsylvania	Lower Heidelberg, Township of Jefferson County.	421077	do	Do.
Region VII:				
Iowa	LeGrand, City of Marshall County	190606	do	Sept. 1, 1987.
Region X:				
Alaska	Fairbanks-Northstar, Borough of Fairbanks Division.	025009	do	Jan. 2, 1992.
Region II:				
New York	Leroy, Town of Jefferson County	360341	Jan. 16, 1992, Suspension Withdrawn.	Jan. 16, 1992.
Do	Wilna, Town of Jefferson County	360357	do	Do.
Region IV:				
Mississippi	Tylertown, City of Walthall County	280175	do	Do.
South Carolina	Greenville County, Unincorporated Areas	450089	do	Do.
Tennessee	Franklin County, Unincorporated Areas	470344	do	Do.
Georgia	Fulton County, Unincorporated Areas	135160	do	Do.
Region V:				
Illinois	Marengo, City of McHenry County	170482	do	Do.
Michigan	Ann Arbor, City of Washtenaw County	260213	do	Do.
Do	Lapeer, City of Lapeer County	260112	do	Do.
Missouri	Clarkson Valley, Village of St. Louis County	290340	do	Do.
NEW ELIGIBLE—Emergency Program:				
Maryland	Deer Park, Town of Garrett County	240102	Feb. 7, 1992	Nov. 8, 1974.
Missouri	Mineral Point, Village of Washington County	290571	do	Aug. 8, 1975.
Alabama	Pollard, Town of Escambia County	010075	Feb. 28, 1992	Mar. 21, 1980.
NEW ELIGIBLE—Regular Program:				
South Carolina	Bamberg County, Unincorporated Areas	450203	Feb. 20, 1992	Mar. 18, 1991.
Mississippi	Alcorn County, Unincorporated Areas	280267	Feb. 27, 1992	Jan. 17, 1992.
REINSTATEMENTS:				
Wisconsin	Wonewoc, Village of Juneau County	550208	July 18, 1975—Emerg., Sept. 30, 1988—Reg., Sept. 18, 1991—Susp., Feb. 5, 1992—Rein.	Sept. 18, 1991.
Tennessee	Benton County, Unincorporated Areas	470218	Oct. 4, 1989—Emerg., July 2, 1991—Reg., July 2, 1991—Susp., Feb. 20, 1992—Rein.	July 2, 1991.
West Virginia	Beverly, Town of Randolph County	540267	Sept. 25, 1977—Emerg., Dec. 3, 1991—Reg., Dec. 3, 1991—Susp., Feb. 20, 1992—Rein.	Dec. 3, 1991.
Regular Program Conversions:				
Region II:				
New York	Henrietta, Town of Monroe County	360419	Feb. 5, 1992, Suspension Withdrawn.	Feb. 5, 1992.
Do	Manlius, Town of Onondago County	360584	do	Do.
Do	Barker, Town of Broome County	360037	do	Do.
Region III:				
West Virginia	Shinnston, City of Harrison County	540060	do	Do.
Region IV:				
Tennessee	Spring City, Town of Rhea County	475448	do	Do.
Kentucky	Cumberland, City of Harlan County	210100	do	Do.

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
Region V:				
Michigan	Wyoming, City of Kent County	260111	....do	Do.
Do	Georgetown Charter, Township of Ottawa County.	260589	....do	Do.
Do	Clare, City of Township of	260629	....do	Do.
Region VI:				
Oklahoma	Payne County, Unincorporated Areas	400493	....do	Do.
Region IX:				
California	San Clemente, City of Orange County	060230	....do	Do.
Region V:				
Minnesota	St. Louis County, Unincorporated Areas	270416	Feb. 19, 1992, Suspension Withdrawn.	Feb. 19, 1992.
Region VI:				
Oklahoma	Comanche County, Unincorporated Areas	400489	....do	Do.
Do	Lawton, City of Comanche County	400049	....do	Do.
Region VII:				
Colorado	Arvade, City of Adams and Jefferson Counties.	085072	....do	Do.

[1] Includes all areas of the Fort Mojava Indian Reservation of *Arizona, California,* and *Nevada.*

Note: The Township of Brownhelm, Ohio (395371) is no longer participating in the NFIP as an independent community. It is now participating in the NFIP as an Unincorporated Area of Lorain County (390346). Lorain County joined the Regular Program of the NFIP effective October 14, 1991. Amend all records accordingly.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: March 16, 1992.

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92–7352 Filed 3–30–92; 8:45 am]

BILLING CODE 6718–21–M

44 CFR Part 353

Fee for Services in Support, Review, and Approval of State and Local Government or Licensee Radiological Emergency Plans and Preparedness

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice; hourly user fee rate.

SUMMARY: In accordance with 44 CFR part 353, FEMA has established its fiscal year (FY) 1992 hourly user fee rate for Radiological Emergency Preparedness (REP) Program services at $47.00 per hour.

DATE: The user fee rate is effective April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Megs Hepler, Chief, Field Operations Branch, Radiological Preparedness Division, Office of Technological Hazards, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2867.

SUPPLEMENTARY INFORMATION: As authorized by 31 U.S.C. 9701, an hourly user fee will be charged for site-specific Radiological Emergency Preparedness (REP) Program services identified in 44 CFR part 353 and rendered by FEMA professional staff. During FY 1992, recipients will be charged for site-specific services rendered by FEMA professional staff at $47.00 per hour beginning April 1, 1992, but will not be charged for other Federal agency activities related to these services. Additional costs incurred by FEMA for site-specific services provided by FEMA's contractors will be charged to the licensees at the rate and cost incurred by FEMA.

More specifically, this fee will be charged to nuclear power plant licensees for FEMA professional staff services that: (1) Support site-specific offsite radiological emergency preparedness for commercial nuclear power plants; (2) contribute to a licensee's compliance with the U.S. Nuclear Regulatory Commission's regulatory requirements; and (3) are directly related to obtaining and maintaining an operating license. 44 CFR part 353 contains a detailed schedule of site-specific services. No charge will be assessed for any work not related to a specific commercial nuclear power plant site.

Specific cost categories considered in the development of the FY 1992 hourly user fee rate include:

(1) Personnel compensation (salaries) for professional REP staff;

(2) Personnel benefits for professional REP staff;

(3) Administrative support including clerical salaries and benefits, printing, and reproduction costs;

(4) Travel costs; and

(5) Overhead support (e.g., rent and utilities).

Dated: March 24, 1992.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92–7353 Filed 3–30–92; 8:45 am]

BILLING CODE 6718–20–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 663

Pre-Award, Post-Delivery Audits of Rolling Stock Questions and Answers

AGENCY: Federal Transit Administration, DOT.

ACTION: Disposition of inquires.

SUMMARY: This document publishes questions and answers regarding the Federal Transit Administration's (FTA) Pre-Award and Post-Delivery Audits of Rolling Stock Purchases, 49 CFR part 663. Since publication of that regulation, the FTA has received a number of inquiries from transit vehicle manufacturers and recipients of FTA funds about the level of information the regulation requires to be made available in connection with the audit certifications of Buy America content. The following questions and answers are published today to provide guidance on that issue to recipients of FTA funds, vehicle manufacturers, and other affected entities. This document does not amend or in any way affect the regulation, which remains in effect as published on September 24, 1991.

DATES: The rolling stock audit regulation, 49 CFR part 663, went into

effect on October 24, 1991 (56 FR 48384, September 24, 1991).

FOR FURTHER INFORMATION CONTACT: James A. Archibald, Associate Administrator for Budget and Policy, room 9310, FTA, 400 Seventh Street SW., Washington, DC 20590, (202) 366–4050.

SUPPLEMENTARY INFORMATION: The FTA regulation on pre-award and post-delivery audits of rolling stock implements section 319 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (the STURAA), which requires a pre-award and post-delivery audit of rolling stock purchased with FTA funds to assure compliance with, among other things, the FTA Buy America requirements at 49 CFR part 661.

Since publication of the final rule on September 24, 1991, FTA has received a number of questions about the level of detail required by 49 CFR part 663 in connection with the required Buy America certifications. In developing the following answers in response to these frequently asked questions, the FTA took into consideration legislative history accompanying the STURAA. Specifically, the bill's Conference Report states that "(i)t is the intent of the Conferees that any paperwork requirements imposed by this provision will not create a significant cost burden." (House Report 100–27, p. 231.) Accordingly, the following questions and answers are being published to provide guidance to affected parties, including recipients of FTA funds and transit vehicle manufacturers. This notice does not amend or in any way affect the regulation, which remains in effect as published in the **Federal Register** on September 24, 1991.

Level of Cost Data

1. *Question:* What level of cost data does the FTA require to meet the requirements of 49 CFR part 663?

Answer: The FTA will accept a level of documentation in which costs presented on the document comply with the definition presented in § 661.11(o)(1) of the Buy America regulation (49 CFR part 661):

> The cost of a component or a subcomponent is the price that a bidder or offeror must pay to a subcontractor or supplier for the component or subcomponent.
> * * *

The cost used in the computation of domestic content may include appropriate fully allocated costs of the component or subcomponent, which would include overhead and profit allocations.

Percentage Format

2. *Question:* May cost information be presented in percentage format?

Answer: The information on cost can be presented in either dollar or percentage format. See the "Domestic Content Sample Worksheet" below for an example of how a percentage format would be calculated.

DOMESTIC CONTENT SAMPLE WORKSHEET

ITEM	Cost	Percent domestic
One transit bus (ABC Bus Mfg. Co.).	$100	At least 60% of total cost.

HOW 60% WAS ACHIEVED

Component	Domestic content
(1) Engine (XYZ Engine Co).	$30.00 (30% of total bus cost).
(2) Transmisison (MNO Co.).	20.00 (20% of total bus cost).
(3) Wheels (DEF Wheel Co.).	15.00 (15% of total bus cost
Sub-total	65.00 (65% of total bus cost) (5% more than required; no further components need be identified)

BREAKDOWN OF COMPONENTS RE. MINIMUM DOMESTIC CONTENT

Sub-components	Domestic content
(1) Engine (total cost $30.00):	
1.1 Valves (PRQ Valve Co.).	$12.00 (40% of cost of engine).
1.2 Block (GHI Block Co.).	10.50 (35% of cost of engine).
Sub-total	22.50 (75% of cost of engine). (15% more than required; no further sub-components need be identified)
(2) Transmission (total cost $20.00):	
2.1 Gears (STV Gear Co.).	4.00 (20% of cost of transmission).
2.2 Housing (LMN Co.).	8.00 (40% of cost of transmission).
Sub-total	12.00 (60% of cost of transmission). (minimum percentage achieved; no further sub-components need be identified)
(3) Wheels (total cost $15.00):	
3.1 Castings (RST Foundry).	10.00 (66.6% of cost of wheels).
Sub-total	10.00 (66.6% of cost of wheels) (6.6% more than required; no further sub-components need be identified)

Pre-Award Calculations

3. *Question.* May the pre-award component and subcomponent information be presented as a commitment from the manufacturer that the domestic content information which is reported will be achieved?

Answer: The pre-award data may be based on estimates used in developing the bid for the equipment. The post-delivery review will demonstrate the compliance with the pre-award certification that Buy America requirements have been met and will require presentation of any changes which have occurred during the production process. The Buy America legislation does not require exact conformance on a component-by-component or subcomponent-by-subcomponent basis between the two audits, only that Buy America requirements be complied with, and the purpose of the post-delivery audit is to verify such compliance.

Extent of Review

4. *Question:* To what level of detail must the pre-award and post-delivery reviews be applied to confirm the veracity of the component and sub-component domestic content data?

Answer: The applicable regulatory language requires only that the grant recipient based its certification on its own satisfaction that compliance has occurred, based upon its own review of documentation provided by the manufacturer. The only information required to be reviewed by the recipient is a listing of the component and subcomponent parts, identified by manufacturer, country or origin and costs (as defined above), as well as the actual location of the final assembly point with a description of the final assembly activities and cost.

There is no requirement that the recipient perform a complete audit of detailed source documents to ascertain the veracity of the manufacturer's documentation.

Issued on: March 25, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92–7304 Filed 3–26–92; 11:51 am]

BILLING CODE 4910–57–M

Proposed Rules

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 26788; Summary Notice No. PR-92-3]

Summary of Rulemaking Petition Received from American Airlines, Inc.

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of a petition by American Airlines, Inc., to suspend the effectiveness of certain slot allocations and to modify subparts K and S of part 93 of the Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of this aspect of the FAA's regulatory activities. Neither the publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before June 1, 1992.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-101], Docket No. 26788, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Stephen W. Brice, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267-3491.

SUPPLEMENTARY INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket (AGC-10), room 915, FAA Headquarters Building [FOB-10A], Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

Part 93, subpart K, of the Federal Aviation Regulations (14 CFR part 93, subpart K) limits the number of aircraft operations per hour at O'Hare International Airport between 6:45 a.m. and 9:15 p.m. local time and limits the type of aircraft that may use commuter slots. Under § 93.123(c), commuter operations are those conducted by a propeller-driven aircraft having a maximum certificated seating capacity of less than 75 passenger seats or a turbojet aircraft having a maximum certificated seating capacity of less than 56 passenger seats.

In Amendment 93-62 (56 FR 41200, August 14, 1991), the FAA allowed slot holders at O'Hare to use up to 25% of their commuter slot holdings, subject to time period limitations established by Air Traffic Control, for aircraft holding up to 110 passenger seats. This amendment is scheduled to expire September 18, 1993, unless extended by the Administrator.

Petitioner requests that the requirements of part 93, subpart K, of the Federal Aviation Regulations be amended to (1) suspend the 30 and 60 minute slot restrictions at O'Hare; (2) eliminate the distinction between commuter and air carrier slots at O'Hare or increase the number of commuter slots for which larger aircraft may be used from 25%, as allowed under Amendment 93-62, to 45%; (3) impose slot restrictions at Midway Airport or establish a Chicago area slot system incorporating O'Hare and Midway; (4) permit American to revise its selection of commuter slot times for operations with larger aircraft under Amendment 93-62; and (5) make Amendment 93-62 permanent.

In consideration of the complexity and potential impacts of the rulemaking action requested, the FAA believes that a full comment period of 60 days is necessary to obtain reasoned comments from the users of the airspace system. The FAA is publishing a summary of the petition for public comment in accordance with the procedures contained in agency regulations, 14 CFR 11.27(b)

Issued in Washington, DC on March 25, 1992.

Donald P. Byrne,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 92-7362 Filed 3-30-92; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-24-AD]

Airworthiness Directives; British Aerospace Model Viscount 810 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model Viscount 810 series airplanes. This proposal would require inspections of the lower skin panels of the elevator for skin quilting, corrosion, and delamination, and replacement, if necessary; application of water displacement fluid and anti-corrosion protective treatment to inner surfaces of the elevator lower skins; and rebalancing of the left and right elevators. This proposal is prompted by a report of delamination and corrosion found in a lower skin panel of the starboard elevator. The actions specified by the proposed AD are intended to prevent loss of elevator structural integrity and reduced controllability of the airplane.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-24-AD, 1601 Line Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or aguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–24–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–24–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion:

The Civil Aviation Authority, which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model Viscount 810 series airplanes. The Civil Aviation Authority advises that a case has been reported of delamination and corrosion found in the lower skin panel of the starboard elevator on one airplane. If uncorrected, this condition could lead to loss of the structural integrity of the elevator and reduced controllability of the airplane.

British Aerospace has issued Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991, which describes procedures for: (1) Performing external visual inspections of the left and right elevator lower skin panels to detect skin quilting, corrosion, and delamination; (2) replacing quilted or corroded skins with a single thickness skin, if necessary; (3) applying water displacement fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins; and (4) rebalancing the left and right elevators. The Civil Aviation Authority classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Civil Aviation Authority has kept the FAA informed of the situation described above. The FAA has examined the findings of the Civil Aviation Authority, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive external visual inspections of the left and right elevator lower skin panels for skin quilting, corrosion, and delamination; and replacement of quilted or corroded skins with a single thickness skin, if necessary. It would also require the application of water displacement fluid and anticorrosion protective treatment to the inner surfaces of the elevator lower skins, and rebalancing of the left and right elevators. The actions would be required to be accomplished in accordance with the PTL described previously.

The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,400.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Docket 92–NM–24–AD.

Applicability: Model Viscount 810 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of elevator structural integrity and reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, visually inspect the external surface of the left and right elevator lower skins for skin quilting, corrosion, and delamination, in accordance with British Aerospace Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991.

(b) As a result of the inspection required by paragraph (a) of this AD, accomplish the procedures specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable, in accordance with British Aerospace Viscount Alert PTL 196, dated March 1991:

(1) If no discrepancies are detected, apply water displacing fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins, and rebalance the elevators.

(2) If any discrepancies are detected, prior to further flight, replace quilted, corroded, or delaminated skins with a single thickness skin; apply water displacing fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins; and rebalance the elevators.

(c) Repeat the visual inspection of the elevator skins required by paragraph (a) of this AD, and inspect the condition of the corrosion protective treatment inside the elevators, at intervals not to exceed 850 hours time-in-service or 12 months, whichever occurs first. Replace any quilted, corroded, or delaminated skins, and renew any deteriorated corrosion protective treatment, prior to further flight, in accordance with British Aerospace Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7336 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 92-NM-05-AD]

Airworthiness Directives; Aerospatiale Model Nord 262A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of a existing airworthiness directive (AD), applicable to Aerospatiale Model Nord 262A series airplanes, that currently requires periodic inspection and treatment of the rudder hinge support tubes. This action would require a visual and x-ray inspection of the rudder hinge support assembly for corrosion, and replacement of one or both supports of the rudder hinge support assembly, if necessary. This proposal is prompted by findings of internal corrosion and/or corrosion penetrating through tube walls on in-service airplane rudder hinge support tubes. The actions specified by the proposed AD are intended to prevent corrosion of the rudder hinge support assembly, which could lead to failure of the assembly and subsequent loss of rudder control.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-05-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2113; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-05-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-05-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On May 21, 1985, the FAA issued AD 85-12-04, Amendment 39-5076 (50 FR 3919, May 28, 1985), to require periodic inspections for corrosion of the rudder hinge support tubes on Aerospatiale Model Nord 262A series airplanes, and treatment, if necessary. That action was prompted by an investigation by the manufacturer, which demonstrated that the protective treatment procedure currently specified to prevent corrosion is incomplete and inadequate. The requirements of that AD are intended to address corrosion that could lead to failure of the rudder hinge support tubes and subsequent loss of rudder control.

Since the issuance of that AD, inspections conducted have detected internal corrosion and/or corrosion penetrating through tube walls on in-service airplane rudder hinge support tubes. As a result of these findings, the manufacturer has defined new corrosion tolerance levels and has determined appropriate protective treatment methods. These new treatment methods will better address the unsafe condition presented by corrosion.

Aerospatiale has issued N262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991, that describes procedures for conducting detailed visual and x-ray inspections to detect corrosion inside and outside the rudder hinge support tubes. The service bulletin specifies new corrosion tolerance levels, and provides instructions for new protection treatments of the rudder hinge support assembly. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified this service bulletin as mandatory.

Aerospatiale also has issued N262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991, which

describes procedures for replacing rudder hinge support tubes that exceed corrosion tolerance levels, with support tubes that have an improved protective finish. The DGAC classified this service bulletin as mandatory when corrosion levels exceed specified tolerance levels.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 85-12-04 to require a visual and x-ray inspection of the rudder hinge support assembly for corrosion and, if corrosion tolerance levels are exceeded, replacement of one or both supports of the rudder hinge support assembly. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 9 work hours per airplane to accomplish the proposed inspections; this number of work hours is no greater than the number of work hours currently required to complete the actions required by the existing AD. To accomplish the optional modification would require an additional 4 work hours. The average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $6,930 to accomplish the required inspections, or $495 per airplane. The cost to U.S. operators who elect to accomplish the modification will be an additional $220 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-5076 (50 FR 3919, May 28, 1985), and by adding a new airworthiness directive (AD), to read as follows:

Aerospatiale: Docket 92-NM-05-AD. Supersedes AD 85-12-04, Amendment 39-5076.

Applicability: Model Nord 262A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent corrosion in the rudder hinge support assembly that could lead to loss of rudder control, accomplish the following:

(a) Within 100 hours time-in-service or three months, whichever occurs first after July 5, 1985 (the effective date of AD 85-12-04, Amendment 39-5076), inspect and protect against corrosion, or replace conponents if necessary, in accordance with paragraph II, Accomplishment Instructions, of Aerospatiale N262 Fregate Service Bulletin No. 55-10, Revision 2, dated January 31, 1984. Repeat the inspection at intervals not to exceed 6 years.

(b) Within 6 years after the most recent inspection performed in accordance with paragraph (a) of this AD, perform a visual and x-ray inspection of the rudder hinge support assembly for corrosion and apply corrosion protection treatments, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991. Compliance with this paragraph constitutes terminating action for the inspection requirements of paragraph (a) of this AD.

(c) As a result of the visual inspection required by paragraph (b) of this AD, accomplish either subparagraph (c)(1) or (c)(2) of this AD, as applicable:

(1) If no corrosion is detected, repeat the visual inspection at intervals not to exceed 6 years.

(2) If corrosion is detected, accomplish either sub-paragraph (c)(2)(i) or (c)(2)(ii) of this AD, as applicable:

(i) If internal corrosion is penetrating tube walls, or if deformation or buckling is evidenced, or if external corrosion is outside the tolerance limits specified in Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991: Prior to further flight, replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991. Thereafter, at intervals not to exceed 6 years, repeat the visual inspection of tubes not replaced, as well as tubes replaced as a result of accomplishing Modification 861 described in the Service Bulletin 55-11, Revision 2, dated May 25, 1991.

(ii) If internal corrosion is not penetrating tube walls, or if external corrosion is within the tolerance limits specified in Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991: Prior to further flight, apply external protective treatment in accordance with that Aerospatiale service bulletin. Thereafter, repeat the visual inspection at intervals not to exceed 6 years.

(d) As a result of the X-ray inspection required by paragraph (b) of this AD, accomplish either subparagraph (d)(1) or (d)(2) of this AD, as applicable:

(1) If no corrosion or buckling is detected: Prior to further flight apply internal protective treatment, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(2) If any corrosion is detected, accomplish either sub-paragraph (d)(2)(i) or (d)(2)(ii) of this AD, as applicable:

(i) If corrosion is detected on both tubes of the upper support tube section, or on the lower support tube section, or on the support tube assembly: Prior to further flight replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(ii) If corrosion is detected on only one tube of the upper or lower support tube sections: Within 3 months or 600 landings of the discovery of corrosion, whichever occurs first, replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(e) Accomplishment of Modification 866, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991, constitutes terminating action for the inspections required by this AD for the component replaced.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may

be used when approved by the Manager, Standardization Branch, ANM-113. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7341 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 92-NM-30-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that currently requires incorporation of an operational procedure into the FAA-approved Airplane Flight Manual (AFM) to address uncommanded spoiler deployments on final approach. That AD also requires identification and replacement of failed spoiler Power Control Actuators (PCA) in the event of an uncommanded spoiler deployment. That AD was prompted by reports of single uncommanded asymmetric spoiler deployments at flaps 25 and 30 caused by failed spoiler PCAs. This action would require replacing all spoiler PCAs with modified PCAs. The actions specified by the proposed AD are intended to prevent uncommanded spoiler deployments caused by failed spoiler PCAs.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-30-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy J. Dulin, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2675; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Comments wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-30-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-30-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On November 4, 1991, the FAA issued AD 91-24-10, Amendment 39-8096 (56 FR 57590, November 13, 1991), to require incorporation of an operational procedure into the FAA-approved Airplane Flight Manual (AFM) to address uncommanded spoiler deployments on final approach. That AD also requires identification and replacement of failed spoiler Power Control Actuators (PCA) in the event of an uncommanded spoiler deployment. That action was prompted by reports of single uncommanded asymmetric spoiler deployments at flaps 25 and 30. The cause of these incidents has been determined to be the failure of spoiler PCA blocking/thermal relief valve seal flanges and leakage past spoiler PCA trunnion seals. Both of these conditions allow hydraulic retract pressure leakage to return, such that inadequate hydraulic pressure is available to prevent aerodynamic spoiler panel float. The aerodynamic effect on the airplane, whether it be airplane roll or unusual vibration, will be different, depending on which spoiler panel floats. Failure of a second spoiler PCA on one wing with flaps 25 or 30 selected could result in the inability to maintain lateral control of the airplane. The requirements of AD 91-24-10 are intended to reduce the risk associated with uncommanded spoiler deployments caused by failed spoiler PCAs.

Since the issuance of that AD, the manufacturer has identified design changes to the spoiler PCAs that would effectively correct ther unsafe condition.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-27A0105, dated December 5, 1991, that describes procedures for replacement of all spoiler PCAs with modified spoiler PCAs. The modified PCAs have changes to the blocking and relief valve housing and trunnion rod seals that will prevent the spoiler float caused by the internal leakage. Once the modified PCAs are installed, the need for the previously imposed operational limitations is eliminated.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91-24-10 to require replacement of all spoiler PCAs with modified PCAs. The action would be required to be accomplished in accordance with the service bulletin described previously.

The proposed compliance time for the replacement requirement is 24 months for outboard spoiler PCAs, and 48 months for inboard spoiler PCAs. The FAA considers these compliance times to be acceptable because, in the interim, the previously required operational procedures (requiring immediate retraction to flaps 20 and use of flaps 20 and V_{ref} 20 for landing in the event of an uncommanded spoiler deployment on final approach) will ensure safe flight

with spoiler PCAs that are susceptible to failure. Aerodynamic lift forces on the spoiler panels are significantly increased when the flaps are extended beyond the flaps 20 position; therefore, reducing the flaps setting to flaps 20 from flaps 25 or 30 decreases the upward aerodynamic loading on the spoiler PCA, reducing the spoiler deflection and resultant roll upset.

Additionally, safety is assured in the interim since the existing AD also requires that failed spoiler PCAs be identified and replaced prior to continued flight.

There are approximately 408 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 260 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 78 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,115,400, or $4,290 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket and the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8096 (56 FR 57590, November 13, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92–NM–30–AD. Supersedes AD 91–24–10, Amendment 39–8096.

Applicability: Model 757 series airplanes, line position 001 through 408, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded spoiler deployments caused by failed spoiler Power Control Actuators (PCA), accomplish the following:

(a) Within 10 days after December 2, 1991 (the effective date of AD 91–24–10, amendment 39–8096), incorporate the following procedures into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD into the AFM.

"If, upon selection of flap 25 or 30, the SPOILERS EICAS message is observed, uncommanded airplane roll is encountered, or sustained control wheel displacement is required, immediately retract flaps to 20 and use flaps 20 and V_{ref} 20 for landing. Select the ground proximity flap override switch to override."

(b) If, upon selection of flap 25 or 30, the SPOILERS EICAS message is observed, the SPOILERS caution light illuminates, or uncommanded airplane roll is encountered, prior to further flight, determine if a spoiler PCA fault ball is displayed on any of the spoiler control modules. If a spoiler fault ball is displayed, prior to further flight, identify the failed spoiler PCA pair and replace both spoiler PCAs, unless the direction of the roll upset is known, in which case only the spoiler PCA in the wing of the roll direction must be replaced. Any spoiler PCA that has been removed in accordance with this paragraph must not be installed on any airplane until the spoiler PCA is modified in accordance with Boeing Alert Service Bulletin 757–27A0105, dated December 5, 1991.

(c) Within 24 months after the effective date of this AD, replace all outboard spoiler PCAs (positions 1, 2, 3, 10, 11, and 12), in accordance with Boeing Alert Service Bulletin 757–27A0105, dated December 5, 1991.

(d) Within 48 months after the effective date of this AD, replace all inboard spoiler PCAs (positions 4, 5, 6, 7, 8, and 9), in accordance with Boeing Alert Service Bulletin 757–27A0105, dated December 5, 1991.

(e) Replacement of all spoiler PCAs, as required by paragraphs (c) and (d) of this AD, constitutes terminating action for the requirements of this AD for that airplane. Once replacement is accomplished, the operating limitations required by paragraphs (a) and (b) of this AD may be removed.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 17, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7343 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 91–ANM–16]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of the jet routes located in Colorado, Kansas, Nebraska, South Dakota, Wyoming and Utah to alter the jet route structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional Range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), are being established north and south of the new airport. This notice proposes to relocate the jet route structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–16, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronatical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ANM-16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the jet routes located in Colorado, Kansas, Nebraska, South Dakota, Wyoming, and Utah. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the jet route structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new airport. The changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. Jet routes listed in this document are published in section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes.

* * * * *

J-10

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; INT of Twentynine Palms 075° and Drake, AZ, 262° radials; Drake; Farmington, NM, Blue Mesa, CO; Falcon, CO; INT Falcon 049°T(038°M) and North Platte, NE, 261°T(250°M) radials; North Platte; Wolbach, NE; Des Moines, IA; to Iowa City, IA.

J-13

From the INT of the United States/Mexican border and the Truth or Consequences, NM 162° radial, via Truth or Consequences; Albuquerque, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(198°M) radials; Falcon; Cheyenne, WY; Muddy Mountain, WY; Billings, MT; Great Falls, MT; to Lethbridge, AB, Canada. The airspace within Canada is excluded.

J-17

From San Antonio, TX; via Abilene, TX; Amarillo, TX; Tobe, CO; Pueblo, CO; Falcon, CO; Cheyenne, WY; to Rapid City, SD.

J-20

From Seattle, WA; via Yakima, WA; Pendleton, OR; Donnelly, ID; Pocatello, ID; Rock Springs, WY; Falcon, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; Shreveport, LA; Jackson, MS; Montgomery, AL; Meridian, MS; Tallahassee, FL; INT Tallahassee 129° and Orlando, FL, 306° radials; Orlando; INT Orlando 154° and Fort Lauderdale, FL, 339° radials; to Fort Lauderdale.

J-44

From Phoenix, AZ; via Winslow, AZ, Farmington, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(198°M) radials; Falcon; McCook, NE; to Lincoln, NE.

J-52

From Vancouver, BC, Canada; via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Falcon, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Dallas-Fort Worth, TX; Texarkana, AR; Greenwood, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; Columbia, SC; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

J-56

From Mina, NV; via Salt Lake City, UT; to Hayden, CO.

J-60

From Los Angeles, CA; via Paradise, CA; Hector, CA; Boulder City, NV; Bryce Canyon, UT; Hanksville, UT; Red Table, CO; Mile High, CO; Hayes Center, NE; Lincoln, NE;

Iowa City, IA; Joliet, IL; Goshen, IN; DRYER, OH; Philipsburg, PA; East Texas, PA; to Sparta, NJ.

J–80

From Oakland, CA; via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Capital, IL; Indianapolis, IN; Bellaire, OH; INT Bellaire 090° and East Texas, PA, 240° radials; East Texas; Sparta, NJ; Barnes, MA; to Bangor, ME.

J–114

From Mile High, CO; Sidney, NE; O'Neill, NE; Sioux Falls, SD; to Gopher, MN.

J–116

From Salt lake City, UT, via Fairfield, UT; Meeker, CO; to Falcon, CO.

J–128

From Los Angeles, CA, via INT Los Angeles 083° and Peach Springs, AZ, 244° radials; Peach Springs; Tuba City, AZ; Blue Mesa, CO; Falcon, CO; Hays Center, NE; Wolbach, NE; Dubuque, IA; to Northbrook, IL.

J–130

From McCook, NE; to Pawnee City, NE.

J–154

From Battle Mountain, NV; Bonneville, UT; Salt Lake City, UT; Rock Springs, WY; INT Rock Springs 106°T(090°M) and Mile High, CO, 322°T(311°M) radials; Mile High; INT Mile High 133°T(122°M) and Garden City, KS, 296°T(285°M) radials; to Garden City.

J–157

From Myton, UT; Laramie, WY; Scottsbluff, NE; to Rapid City, SD.

J–168

From Wichita Falls, TX; to Lamar, CO.

J–170

From Crazy Woman, WY; via Muddy Mountain, WY; to Medicine Bow, WY.

J–172—[Removed]

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc 92–7101 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 91–ANM–17]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming to alter the en route airway structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), would be established north and south of the new airport. In addition, a VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) would be installed on the Jeffco Airport (BJC), Broomfield, CO. This notice proposes to relocate the en route airway structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–17, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the en route airway structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new airport. In addition, a VOR/DME would be installed on Jeffco Airport, Broomfield, CO. The airway changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. VOR Federal airways listed in this document are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration to amend 14 CFR part 7 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as folows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways.

* * * * *

V–389

From Cimarron, NM, via INT Cimarron 053° and Pueblo, CO, 176° radials; Pueblo; INT Pueblo 008°T(355°M) and Falcon, CO, 138°T(127°M) radials; to Falcon.

V–575

From Laramie, WY, via INT Laramie 157°T(143°M) and Mile High, CO, 322°T(311°M) radials; to Mile High.

V–593

From Pueblo, CO, via INT Pueblo 008°T(355°M) and Falcon, CO, 159°T(148°M) radials; to Falcon.

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–7113 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–247–AD]

Airworthiness Directives; Boeing Model 767–200, –200ER, –300, and –300ER Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that currently requires an inspection to locate discrepant Flap Stabilizer Position Modules (FSPM), and modification, if necessary. That action was prompted by a report indicating that it is possible to intermix certain FSPM units on certain airplanes. This action would require an inspection for installation of the correct FSPM cards and connector pins; repair and replacement of discrepant cards. This proposal is prompted by the discovery of incorrect connector keying installed in some FSPM units. The actions specified by the proposed AD are intended to prevent replacement FSPM units from being installed in the wrongly-configured airplane; this condition could result in the warning system failing to alert the crew of an incorrect take-off flap setting.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–247–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA. Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Frank Van Leynseele, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S; telephone (206) 277–2671; fax (206) 392–1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–NM–247–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–247–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On September 20, 1990, the FAA issued AD 90–21–04, Amendment 39–6759 (55 FR 40155, October 2, 1990), to require a one-time inspection to locate discrepant Flap Stabilizer Position Modules (FSPM) on certain Boeing Model 767 series airplanes, and modification, if necessary. That action was prompted by a report that the installation of a non-Model 767–300ER FSPM on a Model 767–3000ER airplane will result in a reduced altitude ground proximity warning system (GPWS) warning, and that the installation of a Model 767–3000ER FSPM on other Model 767's will result in a takeoff configuration warning not being generated at flaps 25 (during takeoff). The requirements of that AD are

intended to prevent inappropriate intermix of the FSPM, resulting in the reduction of performance of the protection systems during takeoff and landing.

Since the issuance of that AD, an operator of Boeing Model 767 airplanes discovered, and the manufacturer confirmed, that some FSPM's Boeing Part Number 285T0099–17, have been assembled with the wrong connector keying device. This error affects approximately 80 FSPM units now in service, or in spares inventory. The intended purpose of the connector keying device is to selectively prevent intermixing of FSPM units between the various Model 767 series airplanes. For example, some FSPM units were configured specifically for the Model 767–300ER (and for Model 767–300 airplanes with a low speed flap system). If one of these Model 767–300ER FSPM units is installed on any Model 767, a takeoff configuration warning will not be generated at flaps 25 during takeoff; likewise, if a differently configured FSPM unit is installed on a Model 767–300ER airplane, the FSPM connector will be damaged. Installation of a discrepant FSPM will result in the failure of the Master Warning System to announce an unapproved takeoff flap setting, or to announce a gear-up landing condition, when flaps are deployed at 25 degrees.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992, that describes procedures for a one-time visual inspection for installation of the correct FSPM cards and connector pins; and repair and replacement of discrepant cards.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 90–21–04 to require a one-time visual inspection for installation of the correct FSPM cards and connector pins; and repair and replacement of discrepant cards. The actions are required to be accomplished in accordance with the service bulletin described previously. Additionally, operators would be required to submit reports to the FAA of discrepant cards.

There are approximately 399 Model 767–200, –200ER, –300, and –300ER series airplanes of the affected design in the worldwide fleet. The FAA estimates that 140 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately .5 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $3,850.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6759 (55 FR 40155, October 2, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 91–NM–247–AD. Supersedes AD 90–21–04, Amendment 39–6759.

Applicability: Boeing Model 767–200, –200ER, –300, and –300ER series airplanes, as listed in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992, certificated in any category.

Compliance: Required as indicated unless accomplished previously.

To prevent loss of warning of incorrect take-off flap setting, and a gear-up landing condition when flaps are set at 25 degrees, accomplish the following:

(a) For airplanes defined as Group I in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992: Within 45 days after the effective date of this AD, perform a one-time visual inspection of the Flap Stabilizer Position Module (FSPM) in the P50 card file (in 3 places), to locate discrepant FSPM cards, in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(1) If any P/N 285T0099–17 FSPM card is found, prior to further flight, remove that card in accordance with the Accomplishment Instructions in the service bulletin, and replace it with a P/N 285T099–13 FSPM card.

(2) If no discrepancies are detected, no further action is necessary.

(b) For airplanes defined as Group II in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992: Within 45 days after the effective date of this AD, perform a one-time visual inspection of the P/N 285T0099–17 FSPM in the P50 card file (in 3 places); remove all P/N 285T0099–17 FSPM cards, and visually inspect the connectors for proper pin keying, in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(1) FSPM P/N 285T0099–17 cards designated "MOD A" do not need to be inspected or removed, in accordance with the service bulletin.

(2) If pins other than numbered parts 47 and 64 are clipped on the FSPM 285T0099–17 connector, prior to further flight, remove and repair the FSPM; reinstall; and test; in accordance with the service bulletin.

(3) If no discrepancies are detected, reinstall and test each P/N 285T0099–17 FSPM card, in accordance with the service bulletin.

(c) Within 15 days after accomplishing the requirements of paragraph (a) and (b) of this AD, submit a report of all discrepant FSPM parts that require rework to the Manager, Manufacturing Inspection District Office, ANM–108S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056, or fax (206) 227–1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*) and have been assigned OMB Control Number 2120–0056.

(d) As of the effective date of this AD, no P/N 285T0099–17 FSPM unit shall be installed on any airplane unless that FSPM is new or has been inspected and tested in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 92-7342 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 91-ASO-23]

Proposed Alteration of Jet Route J-121 and Establishment of Jet Route J-181; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J-121 by extending the route to Fort Lauderdale, FL, and to establish Jet Route J-181 located in the vicinity of Fort Lauderdale, FL. The parallel jet routes would provide an organized flow of traffic to and from southern Florida. This action would reduce controller workload and improve en route and terminal area traffic flow.

DATES: Comments must be received on or before May 15, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 91-ASO-23, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 am. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-420), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASO-23." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing such substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of J-121 by extending this route from Craig, FL, VOR to Fort Lauderdale, FL, VOR, and by establishing J-181 from Biscayne Bay, FL, to Colliers, SC. The proposed alignment of J-121 and J-181 would provide a coordinated north/south flow of traffic that would reduce en route and terminal delays and would reduce controller workload. Jet Route 121 is, and Jet Route 181 would be, published in § 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-121

From Fort Lauderdale, FL; INT Fort Lauderdale 341°T(341°M) and Craig, FL, 169°T(172°M) radials; Craig; INT Craig 020° and Charleston, SC, 210° radials; Charleston; Kinston, NC; Norfolk, VA; INT Norfolk 023° and Snow Hill, MD 211° radials; Snow Hill; Sea Isle, NJ; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Sandy Point, RI; INT Sandy Point 031° and Kennebunk, ME, 190° radials; to Kennebunk.

* * * * *

J-181

From Biscayne Bay, FL; Orlando, FL; Cecil, FL; INT Cecil 357°T(360°M) and Colliers, SC, 174°T(178°M) radials; to Colliers.

* * * * *

Issued in Washington, DC, on March 23, 1992

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-7337 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 91-ANM-14]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of VOR Federal airways located in Colorado, Nebraska, and Wyoming to alter the en route airway structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional Range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), would be established north and south of the new Denver International Airport. In addition, a VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) would be installed on the Jeffco Airport (BJC), Broomfield, CO. This notice proposes to relocate the en route airway structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Docket No. 91-ANM-14, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055-4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Divsion.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ANM-14." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the en route airway structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new Airport. In addition, a VOR/DME would be installed on Jeffco Airport, Broomfield, CO. The changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. VOR Federal airways listed in this document are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore-(1) is not a "major rule" under Executive order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air taffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-4

From Tatoosh, WA, via the INT of Tatoosh 102° and Seattle, WA, 329° radials; Seattle; Yakima, WA; Pendleton, OR; Baker, OR; Boise, ID; INT Boise 130° and Burley, ID, 292° radials; Burley; Malad City, ID; Rock Springs, WY; Cherokee, WY; Laramie, WY; Gill, CO;

Thurman, CO; Goodland, KS; Hill City, KS; Salina, KS; Topeka, KS; Kansas City, MO; Hallsville, MO; St. Louis, MO; Troy, IL; Centralia, IL; Pocket City, IN; Louisville, KY; Lexington, KY; Newcombe, KY; Charleston, WV; Elkins, WV; Kessel, WV; INT Kessel 097° and Armel, VA 292° radials; to Armel.

V–8

From INT Seal Beach, CA 266° and Ventura, CA, 144° radials; Seal Beach; Paradise, CA; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of Centerline) Hector, CA; Goffs, CA; INT Goffs 033° and Morman Mesa, NV, 196° radials; Morman Mesa; Bryce Canyon, UT; Hanksville, UT; Grand Junction, CO; Kremmling, CO; Mile High, CO; Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, NE; Des Moines, IA; Iowa City, IA; Moline, IL; Joliet, IL; Chicago Heights, IL; Goshen, IN; Findlay, OH; Mansfield, OH; Briggs, OH; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV; to DC. The portion outside the United States has no upper limit.

V–19

From Newman, TX, via INT Newman 286° and Truth or Consequences, NM 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, NM 189° radials; Socorro; Albuquerque, NM; INT Albuquerque 036° and Santa Fe, NM, 245° radials; Santa Fe; Las Vegas, NM; Cimarron, NM; Pueblo, CO; Colorado Springs, CO; INT Colorado Springs 036°T(023°M) and Gill, CO, 149°T(136°M) radials; Gill; Cheyenne, WY; Muddy Mountain, WY; 5 miles, 45 miles 71 MSL, Crazy Woman, WY; Sheridan, WY; Billings, MT; 38 miles 72 MSL, INT Billings 347° and Lewistown, MT, 104° radials; Lewistown; INT Lewistown 322° and Havre, MT, 226° radials; to Havre.

V–81

From Chihuahua, Mexico, via Marfa, TX; Fort Stockton, TX; Midland, TX; Lubbock, TX; Plainview, TX; Amarillo, TX; Dalhart, TX; Tobe, CO; Pueblo, CO; Colorado Springs, CO; Jeffco, CO; Cheyenne, WY; Schottsbluff, NE; Chadron, NE. The airspace outside the United States is excluded.

V–83

From Carlsbad, NM, via Roswell, NM; 40 miles 85 MSL Corona, NM; Otto, NM; Santa Fe, NM; Taos, NM; Alamosa, CO; INT Alamosa 074° and Pueblo, CO, 191° radials; Pueblo; INT Pueblo 008°T(355°M) and Colorado Springs, CO, 153°T(140°M) Radials; Colorado Springs; INT Colorado Springs 071°T(058°M) and Thurman, CO, 226°T(214°M) radials; to Thurman.

V–85

From Falcon, CO, via INT Falcon 317°T(306°M) and Laramie, WY, 176°T(162°M) radials; Laramie; Medicine Bow, WY; Muddy Mountain, WY; 29 miles, 48 miles 77 MSL, Riverton, WY; Boysen Reservoir, WY; Cody, WY; to Billings, MT.

V–89

From Gill, CO, via INT Gill 003°T(350°M) and Cheyenne, WY 131°T(118°M) radials; Cheyenne; Chadron, NE.

V–95

From Gila Bend, AZ, via INT Gila Bend 096° and Phoenix, AZ, 197° radials; Phoenix; 49 miles, 40 miles 95 MSL; Winslow, AZ; 66 miles, 39 miles 125 MSL; Farmington, NM; Durango, CO; Blue Mesa, CO; INT Blue Mesa 081 °T(067°M) and Falcon, CO, 208°T(197°M) radials; to Falcon.

V–134

From Fairfield, UT, via Carbon, UT; Grand Junction, CO; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 34 miles 12 AGL, Red Table, CO; to Falcon, CO.

V–148

From Falcon, CO; Thurman, CO; 65 MSL INT Thurman 067° and Hayes Center, NE, 246° radials; Hayes Center; North Platte, NE; O'Neill, NE; Sioux Falls, SD; Redwood Falls, MN; Gopher, MN; Hayward, WI; Ironwood, MI; to Houghton, MI.

V–160

From Blue Mesa, CO, INT Blue Mesa 064°T(050°M) and Falcon, CO, 231°T(220°M)radials; Falcon; INT Falcon 049°T(038°M) and Sidney, NE, 215°T(202°M) radials; to Sidney.

V–207

From Gill, CO; to Scottsbluff, NE.

V–220

From Grand Junction, CO; 25 miles 90 MSL, 28 miles 120 MSL; INT Grand Junction 075° and Meeker, CO, 167° radials; Meeker; Hayden, CO' Kremmling, CO; INT Kremmling 081°T(067°M) and Gill, CO, 234°T(221°M) radials; Gill; Akron, CO; INT Akron 094° and McCook, NE, 264° radials; McCook; INT McCook 072° and Grand Island, NE, 241° radials; Kearney, NE; Hastings, NE; Columbus, NE. From Norfolk, NE; Yankton, SD; INT Yankton 015° and Sioux Falls, SD, 231° radials; Sioux Falls; INT Sioux Falls 004° and Watertown, SD, 154° radials; Watertown; INT Watertown 021° and Fargo, ND, 172° radials; Fargo; INT Fargo 004° and Grand Forks, ND, 152° radials; to Grand Forks.

V–263

From Corona, NM, INT Corona 278° and Albuquerque, NM, 160° radials; Albuquerque; INT Albuquerque 019° and Santa Fe, NM, 268° radials; Santa Fe; Las Vegas, NM; Cimarron, NM; Tobe, CO; 54 miles 69 MSL; Lamar, CO; 17 miles 63 MSL; Hugo, CO; INT Hugo 345°T(333°M) and Akron, CO, 232°T(219°M) radials; to Akron. From Pierre, SD; Aberdeen, SD.

V–328

From Jackson, WY, via Big Piney, WY; 53 miles 95 MSL; Rock Springs, WY; Hayden, CO; Kremmling, CO; INT Kremmling 139°T(125°M) and Falcon, CO, 231°T(220°M) radials; to Falcon.

V–356

From Red Table, CO, via INT Red Table 058°T(046°M) and Mile High, CO, 265°T(254°M) radials; to Mile High.

V–361

From Farmington, NM, via Montrose, CO; INT Montrose 024° and Red Table, CO, 224° radials; Red Table; Kremmling, CO; via INT Kremmling 059°T(045°M) and Cheyenne, WY, 216°T(203°M) radials; to Cheyenne.

V–366

From Hugo, CO; to Falcon, CO.

V–383 [Removed]

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–7112 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 91–ANM–21]

Proposed Amendment to VOR Federal Airway V–235; WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend a portion of the description of VOR Federal Airway V–235 in the vicinity of Rock Springs, WY. A step-down approach fix is necessary to facilitate aircraft arriving and descending into the Rock Springs terminal area. This action would increase safety.

DATES: Comments must be received on or before May 7, 1992.

ADDRESS: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–21, Federal Aviation Adminstration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments with a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ANM-21."

The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

Then FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish an approach fix on V-235 northeast of Rock Springs, WY, VOR. This fix would allow lowering of the minimum en route altitude for a segment of that airway from 9,500 feet mean sea level (MSL) to 9,200 feet MSL, thereby improving the approach angle into the Rock Springs terminal area. The VOR Federal airway listed in this document is published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-235

From Peach Springs, AZ; Mormon Mesa, NV, via INT Mormon Mesa 059° and Cedar City, UT, 197° radials; Cedar City; Milford, UT; Delta, UT; Fairfield, UT; 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger, WY. From Rock Springs, WY, 20 miles, 41 miles, 92 MSL, 37 miles, 107 MSL, Muddy Mountain, WY, to Newcastle, WY.

* * * * *

Issued in Washington, DC on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-7114 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 100

[CGD7 92-16]

Special Local Regulations: Port Canaveral, Cape Canaveral, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to adopt special local regulations for the Florida Sports Fishing Association Billfish Tournament (FSFA Billfish Tournament). The event will be held annually on the Port Canaveral Barge Canal and the Port Canaveral Inner Reach Channel on the last Saturday of June or the first Saturday of July as published in the Seventh Coast Guard District Local Notice to Mariners. The regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before April 30, 1992.

ADDRESSES: Comments should be mailed to Commander, U.S. Coast Guard Group, 4200 Ocean Street, Mayport, FL 32267-0385. The comments and other materials referenced in this notice will be available for inspection and copying at this same address. Normal office hours are between 7 a.m. and 3 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to the address.

FOR FURTHER INFORMATION CONTACT: CDR D. P. Rudolph, (904) 247-7318.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD7 92-16) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentation will aid the rulemaking process.

Drafting Information

The drafters of this regulation are QMI Culver, Marine Event Petty Officer, Coast Guard Group Mayport and LT Jacqueline M. Losego, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

This event is held annually. Approximately 400 sportingfishing vessels will depart from Cape Marina located on the south bank of the Canaveral Barge Canal. The participants will then proceed through the Canaveral Barge Canal and Port Canaveral Inner Reach Channel to fish offshore. In the past, the Coast Guard established temporary special local regulations to protect the safety of life on the navigable waters during the effective times.

Due to the size and nature of this event, the Coast Guard proposes to establish permanent regulations in the Code of Federal Regulations (CFR) to better serve the boating public. Notice of the specific dates and times for this event will be published annually in the Seventh Coast Guard District Local Notice to Mariners. This regulation is issued pursuant to 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportatoin regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event is not expected to affect commercial activities on Canaveral Barge Canal or Port Canaveral Inner Reach Channel.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have s significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with section 2.B.2.08 of Commandant Instruction M16475.1B and Commandant Instruction 16751.3A, and this proposal has been determined to be categorically excluded. Specifically, the Coast guard has consulted with the U. S. Fish Wildlife Service and the National Marine Fisheries Service regarding the environmental impact of this event, and it was determined that the event does not threaten protected species.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.716 is added to read as follows:

§ 100.716: Annual Florida Sports Fishing Association Billfish Tournament.

(a) *Regulated Area:* A regulated area is established for the waters of Port Canaveral Harbor. The regulated area is bound on the west by the easternmost State Road 401 bascule bridge, position 28–24–33 N, 080–37–55 W, and on the east by the line drawn between Canaveral Harbor Entrance Channel Light #12 (LLNR 8955), position 28–24–38 N, 080–34–59 W, and Canaveral Harbor Entrance Channel Lighted Buoy #13 (LLNR 8960), position 28–24–33 N, 080–34–59 W. The southern boundary will be a line drawn from Canaveral Harbor Entrance Channel Lighted Buoy #13 to the Cape Canaveral southern jetty, position 28–24–29 N, 080–35–18 W, then following the southern shoreline of Cape Canaveral Harbor to the easternmost State Road 401 bascule bridge. The northern boundary will be a line extending from Canaveral Harbor Entrance Channel Light #12, following the northern shoreline of Cape Canaveral Harbor, but excluding all navigable waters north of a line drawn across the mouth of the East Basin, Middle Basin, and West Basin.

(b) *Special Local Regulations:* A "No Wake Zone" is established in regulated area.

(c) *Effective Date:* The Commander, Seventh Coast Guard District will publish a notice in the **Federal Register** and in the Seventh Coast Guard Local Notice to Mariners that announces times and dates that this section will go into effect.

Dated: March 16, 1992.

K.M. Ballantyne,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 92–7215 Filed 3–30–92; 8:45 am]

BILLING CODE 4010–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC11

Advertising at Rock Creek Park Tennis Center

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule will establish a process for the issuance of a permit for advertising by and recognition of sponsors at the Rock Creek Tennis Center in Rock Creek Park. This proposed rule recognizes the unique characteristics of the Rock Creek Tennis Center and authorizes a process for the submission, consideration and issuance of a permit for commercial advertising in conjunction with tennis tournaments.

DATES: Written Comments will be accepted through April 30, 1992.

ADDRESSES: All comments should be addressed to the attention of Don Roush, National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, DC 20242.

FOR FURTHER INFORMATION CONTACT: Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, DC 20240, telephone: (202) 208–4338.

SUPPLEMENTARY INFORMATION:

Background

Rock Creek Park, located in the District of Columbia, is a unique natural area in an urban environment that was established by Congress in 1890 as "a public park or pleasure ground for the benefit and enjoyment of the people of the United States". The park contains significant historic and natural resources, and provides a great variety of important recreational opportunities for visitors and residents of the Washington metropolitan area.

In conjunction with providing recreational activities, the National Park Service (NPS), since 1971, has operated and maintained the Rock Creek Tennis Center (the "Tennis Center") through a concessions contract. The Tennis Center

is located west of 16th Street, NW. at the intersection of Kennedy Street and Morrow Drive, within the District of Columbia, and on lands under the jurisdiction and administration of the National Park Service. The NPS has determined that it is in the public interest to continue to foster and support tennis programs at the Tennis Center, including, but not limited to, tennis instructional programs and a professional tennis tournament conducted by agreement between the NPS and the Washington Tennis Foundation, Inc. (the "Foundation").

Since 1971, the Foundation, the Concessioner and the NPS have had a relationship under which they have cooperated in the construction, development, operation and maintenance of the Tennis Center. In 1987, the NPS entered into a agreement with the Foundation to upgrade the Tennis Center with an application of approximately $7–8 million in Foundation funds by building a new spectator facility, adding additional tennis courts, and generally enhancing the grounds and surroundings.

The Foundation, founded in 1955, is a private, charitable organization which sponsors and operates tennis instructional programs for Washington area youth, senior citizens, and handicapped persons, Since its founding, the Foundation has contributed funds and personnel to promote tennis instruction and recreation for thousands of persons in the Washington metropolitan areas. The Foundation derives most of the funds necessary to operate its programs from the proceeds of the men's and women's professional tournaments now held annually at the Tennis Center. Events at the Tennis Center make possible the Foundation's programs.

Because of this unique arrangement, and the public interest in providing continued recreational opportunities through this important tennis program, it is necessary to clarify through regulation the role that may be played by the Foundation in publicly recognizing sponsors, donors, and supporters of the annual men's and women's professional tennis tournaments.

Purpose for Regulation

Existing regulations at 36 CFR 5.1 prohibit the display of "commercial notices or advertisements" of any "goods, services, or facilities" that are not available within a park area. Sponsors or donors for the world-class tennis tournaments held each year at the Tennis Center are generally companies or corporations that do not provide "goods, services, or facilities within the park area". Consequently, there has been a concern on how to legally recognize contributions to the Foundation to assist with the tennis tournaments.

It has become an accepted practice in many NPS areas to allow a simple recognition of donors of NPS programs or special events. For example, businesses or corporations that donate funds or services to a particular park project—such as the development of a film about a park area—may be given credit by the publishing of their corporate name in the film credits. This simple recognition of significant corporate support in furthering specific park goals has not generally been seen as "advertising", or the promotion of a particular product. Consequently, in the past, signs and banners have been allowed inside the tennis stadium during tennis tournaments that identify a corporation as a primary sponsor of a tournament. This has been and will continue to be an accepted practice for these tournaments. Past practice and these proposed regulations require these activities to be conducted only pursuant to a written permit from the park superintendent.

There is, however, a special concern relative to the Tennis Center and the unique sporting events sponsored by the Foundation under agreement with the NPS. Sponsorship is customarily part and parcel of world class professional tennis tournaments. In fact, unlike presentations occurring within theatre areas, outdoor professional athletic events do now and have traditionally involved more active sponsor recognition and promotion. Such sponsorship usually includes activities that go beyond simple corporate name recognition, and may extend to particular product display. This is deemed advertising, and is currently prohibited by NPS regulations.

The purpose of this proposed rulemaking is to partially exempt the Tennis Center from the general regulations on advertising found at 36 CFR 5.1 and to address under what conditions recognition for sponsors of the annual professional tennis tournaments may be permitted. This proposed regulation would allow the superintendent of Rock Creek Park to permit advertising and recognition activities in conjunction with tennis tournaments that are appropriate to park values and consistent with the protection of park resources.

Required Permit Criteria

For the purposes of this special regulation only, the following definitions shall be used in administering the permit requirement imposed by this proposed regulation:

Advertising means any oral, written, or graphic statement, or any physical structure, display or model, presented or developed in any manner with the purpose of soliciting public attention to, or promoting the benefits of, a particular commercial product or service, or a group of products or services, normally available for purchase in the commercial retail marketplace.

Recognition means the public acknowledgment of a sponsor by an oral, written, graphic, or other method of representation of a business or corporate name. It does not include (1) recognition of specific business brands, products or services (unless the corporate identity is identical to a brand, product or service); or (2) recognition that gives specific information about the suitability or quality of a particular product or business.

Sponsor means a person, corporation or business involved in the one-time contribution of dollars, goods or services for a specific event or purpose, with no contractual obligations incurred by the Service, and for which some temporary public recognition of sponsorship is presumed, although not required.

Tennis tournament sponsors usually and customarily include companies involved in the businesses related to transportation, automobiles, clothes (particularly tennis or sports clothing), beer or wine distributors, hotels, magazines or other media, television, sunglasses, and soft drink companies. However, if the superintendent determines that certain products, services, or companies may be seen as controversial or inappropriate to the value of the park, the superintendent will prohibit these types of advertisements. In particular, tobacco products or corporations shall not be permitted as sponsors for a tennis event at the Rock Creek Tennis Center. Similarly, any advertisement that could be seen as in conflict with the protection of park resources and park values would not be permited.

Other criteria by which a permit may be issued shall require advertising activities to be limited to the confines and immediate vicinity of the tennis stadium, meaning the paved plaza and sidewalk area immediately contiguous to the tennis stadium structure. This means that no advertisement activities will take place on the paved parking lot, on the grass fields to the north of the tennis stadium, along the roadway entering the park area, or on or near the sidewalks along 16th Street, NW. This

criteria is specifically to assure that advertising activities shall not be readily visible by local residents or other park users. Any permit issued shall specifically exclude these areas, and assure by permit criteria that all activities shall be displayed so as to be directed only at those visitors attending a tennis tournament.

For similar reasons, all permits issued shall include criteria that will prohibit banners, ballons, flags or similar displays from being flown or spotlights being shown above the top of the stadium's scoreboard. Notwithstanding these or any other criteria, any advertising display that is readily visible from 16th Street or from local residences will be prohibited.

Permits shall be issued for those periods during which tennis tournaments occur, with the understanding that a reasonable time shall be allowed for the set up and dismantling of displays, such time to be specified in the permit.

Applicability of Regulations

These proposed regulations apply only to Rock Creek Tennis Center and are not applicable to any other park area, within or outside of the District of Columbia or the National Capital Region. The NPS views national park areas as special places of high public values where people can recreate and learn about their natural and cultural heritage without undue commercial distractions. It has long been the general policy of the NPS to prohibit billboards, posters, advertising flyers, brochures, or other commercial distractions in park areas.

The general regulation at 36 CFR 5.1 prohibits a park superintendent from issuing a permit for any advertising activities for services or products that are not available "within a park area". Advertising that is permitted is generally of goods or services provided by park concessioners operating under contract to the NPS, and must specifically be found by the superintendent to be "desirable and necessary for the convenience and guidance of the public." (36 CFR 5.1).

The NPS still supports this general policy of strictly limiting commercialization in the national park system, and is proposing this special regulation for Rock Creek Tennis Center only to address a particular and unique situation regarding tennis tournaments and tennis sponsorship in this park area. If at some future date professional tennis tournaments are no longer to be held at the Rock Creek Tennis Center, these regulations exempting the Tennis Center from 36 CFR 5.1 shall be immediately withdrawn in a separate rulemaking.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking.

Paperwork Reduction Act

The collections of information contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026. The information will be used to identify potential sponsors to assure they are made aware of advertising criteria pursuant to a permit. Response is required to obtain a benefit in accordance with 16 U.S.C. 3.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Information Collection Officer, National Park Service, 1100 L Street, NW., Washington, DC 20013; and the Office of Management and Budget, Paperwork Reduction Project (0026), Washington, DC 20503.

Compliance With Other Laws

The National Park Service has determined that this document is not a "major rule" under Executive Order 12291 (February 19, 1981), 46 FR 13193, because it will not result in an annual effect on the economy of $100 million or more, will not cause an increase in costs or prices, and will not cause any adverse effects on competition or the ability of U.S. enterprises to compete with foreign ones. In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which became effective January 1, 1981, the NPS has determined that these proposed regulations will not have a significant economic effect on a substantial number of small entities, nor does it require a preparation of a regulatory analysis.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. In section 7.96, paragraphs (k) and (l) are redesignated as paragraphs (l) and (m) respectively and a new paragraph (k) is added to read as follows:

§ 7.96 National Capital Region Parks.

* * * * *

(k) Rock Creek Park. (1) Notwithstanding the provisions of 36 CFR 5.1, the Superintendent of Rock Creek Park may authorize the recognition of and the advertising by the primary sponsor or sponsors of professional tennis tournaments at the Rock Creek Tennis Center.

(2) All activities conducted under this paragraph shall be appropriate to park values and consistent with the protection of park resources and shall comply with criteria specified in a written permit.

(3) Any permit issued under this paragraph shall only be good for those periods of time during which a professional tennis tournament is being held, and shall limit all advertising and recognition to the confines of the tennis

stadium structure and the contiguous paved plaza, not to include any of the fields or paved parking lots.

(4) No advertising or recognition activities may take place without a written permit as specified in this paragraph. Any person who violates a provision of this paragraph is subject to the penalty provisions of 36 CFR 1.3 and revocation of the permit if a permit exists.

* * * * *

Dated: February 28, 1992.

James F. Spagnole,

Acting Assistant Secretary for Fish and Parks and Wildlife.

[FR Doc. 92-7243 Filed 3-30-92; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

Claims Based on Exposure to Ionizing Radiation (Parathyroid Adenoma)

RIN 2900-AF73

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a recommendation by the Veterans Advisory Committee on Environmental Hazards (VACEH) that parathyroid adenoma be considered "radiogenic". The intended effect of this amendment is to add parathyroid adenoma to the list of radiogenic diseases for service-connected compensation purposes

DATES: Comments must be received on or before April 30, 1992. Comments will be available for public inspection until May 11, 1992. This amendment is proposed to be effective on the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 11, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

SUPPLEMENTARY INFORMATION: Under 38 CFR 1.17(c), when VA determines that a significant statistical association exists between exposure to ionizing radiation and any disease, 38 CFR 3.311b is amended to provide guidelines for the establishment of service connection for that disease. Such a determination is made after receiving the advice of the VACEH based on its evaluation of scientific or medical studies.

In a public meeting on January 30-31, 1991, the VACEH met in Washington, DC. At that meeting, the VACEH reviewed the relevant animal and human data and expressed the opinion that the data clearly implicate high dose irradiation as a casual factor in the pathogenesis of hyperparathyroidism and parathyroid tumors. Based on this review, VACEH recommended that parathyroid adenoma be added to the list of diseases that VA will recognize as being radiogenic. The Secretary has accepted that recommendation and we propose to amend 38 CFR 3.311b(b)(2) to implement the Secretary's decision effective the date of publication of the final rule.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedures, Claims, Handicapped, Health care, Pension, Veterans.

Approved: February 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR Part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311b, add paragraph (b)(2)(xix) to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xix) Parathyroid adenoma.

(Authority: 38 U.S.C. 501(a) and Sec. 5, Pub. L. 98-542, 98 Stat. 2725)

* * * * *

[FR Doc. 92-7326 Filed 3-30-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-4118-8]

RIN 2060-AC65

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Regulations Requiring On-Board Diagnostic Systems on 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period.

SUMMARY: This notice announces a reopening of the public comment period for EPA's proposed regulation for On-Board Diagnostics (OBD) as published in the **Federal Register** on September 24, 1991 (56 FR 48272). This reopening will apply only for comments relevant to the malfunction detection requirements associated with evaporative emission control system monitoring described in proposed § 86.094-17(a)(4), and for comments relevant to the acceptance of

California OBD II requirements to satisfy federal OBD requirements as described in proposed § 86.094–17(j).

DATES: The comment period for comments pursuant to evaporative emission control system monitoring and acceptance of California OBD II requirements will remain open until April 30, 1992. Any comments received after that date will be considered to the extent possible.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to The Air Docket, room M–1500 (LE–131), Waterside Mall, Attention: Docket No. A–90–35, 401 M Street SW, Washington, DC 20460.

Materials relevant to this proposed rulemaking are contained in Docket No. A–90–35. The docket is located on the first floor of the above address and may be inspected from 8:30 a.m. until noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Sherwood, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, telephone (313) 668–4405.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking for OBD was published on September 24, 1991. In this notice, EPA did not specifically require that the OBD system monitor the evaporative emission control system, but did propose that the manufacturer be responsible for detecting leaks within the evaporative system should they occur in-use. EPA proposed that it would evaluate the need to monitor evaporative systems during in-use testing. Under the proposal, if a vehicle fails the evaporative emission standard during in-use enforcement testing and subsequent repair causes a 2 g/test emission reduction, the MIL should have illuminated indicating an evaporative system malfunction. If the vehicle passes the standard, EPA will not care whether or not the OBD system monitors the evaporative system.

In response to the proposal, many commenters requested that EPA accept evaporative system monitoring methodologies which were not tied to emission thresholds, but were instead based on the OBD system's ability to detect given hole sizes within the evaporative system. Based on the overwhelming support from industry for such a requirement, and its consistency with the California Air Resources Board (ARB) requirement for evaporative monitoring, EPA is considering such an approach for federal OBD requirements. Therefore, EPA has decided to reopen the public comment period until April 30, 1992, to gather all pertinent information from interested parties in an effort to develop the most cost effective OBD requirement for evaporative system monitoring.

EPA is requesting comments on the appropriateness of adopting an orifice size approach for establishing the detectability level for evaporative system leaks. EPA also requests comments on the specific orifice size that should be adopted as the federal OBD standard, should EPA choose to adopt an orifice approach. Currently, ARB requires detection of an orifice equivalent to 0.040 inches in diameter and EPA has some test data indicating that this standard may be feasible. Furthermore, ARB has not received conclusive information from industry refuting the feasibility of detecting an orifice of this size. However, some automobile manufacturers have expressed an inability to accurately and reliably detect evaporative emission control system leaks that small. EPA requests information on the minimum size orifice through which a leak is detectable, the cost of such a detection system, and the expected emission impact of such a leak. EPA also requests information on enforcement options based upon detection of an orifice within the evaporative system, and how EPA would evaluate compliance with such requirements. Under ARB's rules, all manufacturers must demonstrate that their OBD system is capable of detecting a leak equivalent to a given hole size. In response to comments, EPA is considering adopting a similar requirement. However, comments should also consider EPA's desire to encourage more durable, fail safe emission controls rather than to specify what the OBD system must monitor and how.

EPA will be participating in the upcoming ARB workshop on OBD requirements for misfire and evaporative system monitoring scheduled for March 31, 1992. EPA expects to learn considerable information at this workshop and will supplement the public record with relevant documents received at the workshop, as well as drafting a summary report. However, it is not an EPA workshop and, therefore, does not replace the need to receive formal comments during the comment period noted above. Refer to ARB mail-out #92–11 for more information on the ARB workshop.

In the Notice of Proposal, EPA also proposed accepting California OBD II requirements as satisfying federal OBD requirements for some period beginning with the 1994 model year through the 2002 model year. In response to this proposal, EPA did not receive substantive information upon which a specific date could be determined. EPA analysis based on the information received suggests that acceptance of OBD II systems at least through the 1996 model year is appropriate to provide industry sufficient lead time for certifying to California's requirements and for making any further changes needed to meet federal requirements beginning with the 1997 model year. This would allow full concentration of manufacturer resources toward the mandated 100 percent compliance with California's OBD II requirements by the 1996 model year, and then an additional year of calibration work to satisfy the federal OBD requirements should a manufacturer decide that different calibrations for federal vehicles provide a cost effective alternative. Additionally, acceptance of OBD II systems through only the 1996 model year would result in full implementation of the federal OBD program as soon as practical satisfying EPA's strong interest in having performance based emission control requirements in place.

Comments supplied in response to the initial request for comment also suggested that manufacturers believe it necessary, after putting OBD II systems in place, to initiate an extensive in-use performance evaluation program before they should be held responsible for compliance with the proposed federal rules. However, the information supplied did not sufficiently explain why such an in-use performance evaluation is of concern when complying with the federal proposal but apparently not a concern when complying with the California requirements. Also, comments did not support why initiation of such an in-use evaluation needed to wait until the 1997 model year or later (as some manufacturers suggested) and could not begin much earlier, even before the 1994 model year with prototype designs which EPA expects the manufacturers will have available.

Therefore, EPA is requesting additional information to support the need to accept OBD II systems for additional model years beyond the 1996 model year. EPA expects to use such information in deciding on which model year, beginning with 1997 through 2002, to require full compliance with the proposed federal OBD rules.

Dated: March 24, 1992.

Michael Shapiro,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 92-7381 Filed 3-30-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91-26; Notice 2]

RIN 2127-AD88

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Termination of Rulemaking Proceeding

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The purpose of this notice is to announce the termination of a rulemaking proceeding to amend Standard No. 209, Seat belt assemblies, to specify a cycling test rate of between five and ten cycles per minute and to require that the emergency locking retractor lockup test be performed every fifth cycle. Based on comments submitted in response to the NPRM (56 FR 26368; June 7, 1991), the agency has determined that the proposed amendments would significantly increase costs and that those costs would be greatly disproportionate to any potential safety benefits. Therefore, the agency is terminating this rulemaking action.

FOR FURTHER INFORMATION CONTACT: Mr. Clark B. Harper, Frontal Crash Protection Division, NRM-12, room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 366-2264.

SUPPLEMENTARY INFORMATION: Standard No. 209, Seat belt assemblies, specifies that emergency locking retractors [ELR] shall be tested by running the retractor through 50,000 cycles, with at least 10,000 lockups during those cycles. Standard No. 209 also specifies that automatic locking retractors (ALR) shall be tested by running the retractor through 10,000 cycles. The standard does not specify the rate at which to run the cycles, nor does it specify when the ELR lockups should occur.

On June 7, 1991, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 209 to specify a cycling test rate of between five and ten cycles per minute (56 FR 26368). The NPRM also proposed to amend Standard No. 209 to require that the ELR lockup test be performed every fifth cycle.

The agency received seven comments to the NPRM. One commenter, the Automotive Restraint Council, supported the proposal. The five automobile manufacturers who commented did not object to the proposal, however, each suggested some changes in the procedures as proposed. The only safety belt system manufacturer to respond, TRW Vehicle Safety System Incorporated (TRW), strongly opposed this proposal.

TRW stated that the proposal was arbitrary, not practicable and did not address any motor vehicle safety need. Concerning the cycling rate testing issue, it stated that in the 24 years that Standard No. 209 was in effect, it was not aware of any data nor has the agency published any information that suggested the standard was inadequate. To the contrary, TRW provided some anecdotal information suggesting the slower speeds proposed could permit less robust retractor designs than currently exist. TRW believes that the heat buildup in bearings and springs caused by higher speed cycling is a more severe test and therefore would require more robust designs than the lower speed cycling proposed in the NPRM. In addition, at the proposed rate, a retractor test would take approximately 83.3 hours, roughly twice the current amount of time it takes TRW to complete the test. Because TRW's equipment is currently in constant use, maintaining the current level of testing under the proposed rate would require twice the number of machines. TRW stated that customers would insist that all production testing be conducted within the narrow range proposed. TRW suggested the agency adopt only a minimum cycle rate requirement, such as five cycles per minute.

TRW also opposed the lockup cycle every fifth cycle. The agency provided no data to suggest the current standard is inadequate to evaluate locking mechanisms. In order to lock a retractor every fifth cycle, additional automated cycling test equipment would needed at all their plants and the engineering facility. TRW estimated the additional test machines needed would cost approximately $900,000. TRW also stated that this would require more time than the proposed 180 days to obtain the new equipment and conduct certification testing. TRW suggested that the lockup testing be conducted after all other testing has been completed. TRW believes that this is a "worst case" test.

After reviewing these comments, the agency has decided to terminate this rulemaking. In the NPRM, the agency recognized that there would be some increased costs for compliance testing. However, NHTSA did not anticipate that comments would indicate that the costs to the safety belt manufacturers would be so high that they would significantly outweigh any potential safety benefits of this proposal. TRW stated that only computer-controlled machines would be able to cycle the safety belt retractors as specified in the lockup cycle proposal. TRW alone estimates a cost of $900,000 to implement this proposal. In addition, one of the agency's contractor's, Dayton T. Brown Incorporated, has informally reported that it would also have to purchase new equipment to conduct the testing as proposed. TRW also stated that testing would be more costly if run as slow as 10 cycles per minute, due to the extended amount of time it would take to run the tests.

Conversely, NHTSA has been unable to identify any safety benefit for the proposed test procedure. NHTSA's Office of Enforcement has stated that one or two tests per year have been incomplete due to cycling speed related binding. For example, in 1991, the agency tested a total of 120 retractors. These 120 retractors consisted of 20 models, with three of each model tested at two test laboratories. Of these 120 retractors, one locked up before the end of the test. This is a failure rate of less than one percent. This failure was not pursued as a non-compliance, because no further failures occurred. Additionally, these retractors frequently work when they are set aside overnight. Other than these compliance results, NHTSA has no knowledge of any actual safety problem.

In conclusion, agency analysis of available information, including the comments submitted to the NPRM indicate minimal potential safety benefits from amending Standard No. 209 as proposed, compared to substantial expected costs. Therefore, this proceeding is terminated.

Issued on March 25, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-7275 Filed 3-30-92; 8:45]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of 20 New Research Natural Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of decision.

SUMMARY: Notice is hereby given that the Chief of the Forest Service has issued Decision Notices/Designation Orders to establish 20 new Research Natural Areas within the National Forest System. Establishment of these areas is subject to administrative appeal pursuant to the rules at 36 CFR Part 217.

DATES: The establishment of the areas is effective May 15, 1992. Also, pursuant to 36 CFR 217.8(b), the period for appealing this decision begins April 1, 1992. Any notice of appeal must be received in writing by May 15, 1992.

ADDRESSES: Copies of the establishment records and of the Decision Notices/Designation Orders for the 20 areas are available upon written request to Chief (4060), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090. Copies are available for inspection in the office of the Director of Forest Management Research, First Floor, Northwest Wing, Auditor's Building, 201 Fourteenth Street, SW., Washington, DC. To facilitate entry into the building, visitors are encouraged to call in advance (202–205–1552).

Anyone who wishes to appeal must submit a notice of appeal to The Honorable Edward Madigan, Secretary of Agriculture, Fourteenth and Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Russell M. Burns, Forest Management Research Staff, (202) 205–1149.

SUPPLEMENTARY INFORMATION: Research Natural Areas are part of a national network of ecological areas on National Forest System lands designated and permanently recorded for research, education, and/or maintenance of biological diversity. These areas are managed for nonmanipulative research, observation, and study, and they may assist in implementing provisions of special statutes, such as recovery of species under the Endangered Species Act and the monitoring provisions of the National Forest Management Act. The establishment of the 20 new areas will bring the total number of Research Natural Areas on National Forest System lands to 266.

The new areas to be established are as follows:

Name of RNA	State and county	National forest	Acres
Stoney Point	MN, Itasca	Chippewa	404
Limber Pine	ND, Slope	Custer	681
Table Cliff	UT, Garfield	Dixie	1300
Larue-Pine Hills/Otter Pond	IL, Union	Shawnee	2585
Agua Tibia	CA, San Diego	Cleveland	480
Chuquatonchee Bluffs *	MS, Chickasaw	Tombigbee	216
Station Creek	CA, El Dorado	Eldorado	749
Organ Valley	CA, San Diego	Cleveland	560
Clustered Bur Reed Bog	MN, Itasca	Chippewa	79
Whippoorwill Flat	CA, Inyo	Inyo	3328
Hoosier Ridge	CO, Summit & Park	Arapaho & Pike	695
Grandma Lakes Wetlands *	WI, Florence	Nicolet	495
Babbit Peak	CA, Sierra	Tahoe & Toiyabe	1416
Soldier Lakes	ID, Custer	Challis	175
Surprise Valley *	ID, Custer	Challis	1470
Smiley Mountain *	ID, Custer	Challis	3080
Middle Canyon *	ID, Butte	Challis	2200
Merriam Lake Basin	ID, Custer	Challis	740
Millard Canyon	CA, Riverside	San Bernardino	793
Mahogany Creek	ID, Custer	Challis	3650

The designation order, when necessary, amends the relevant forest plan to assure consistency between the establishment record and the management direction in the forest plan. Those plans being amended are designated herein with an asterisk. In these cases, notice of the establishment of a new RNA and notice of forest plan amendment are accomplished simultaneously by publication in the Federal Register.

The effective date of establishment has been delayed to permit giving public notice of the decision and to permit appeal as provided in 36 CFR part 217. Pursuant to 36 CFR 217.7(a), review of the Chief's decision by the Secretary is wholly discretionary.

Dated: March 23, 1992.

George M. Leonard,

Associate Chief.

[FR Doc. 92-7269 Filed 3-30-92; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Prepayment of REA Guaranteed Federal Financing Bank Loans to REA Telephone Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of new application period.

SUMMARY: Pursuant to 7 CFR 1786 subpart B the Rural Electrification

Administration (REA) is giving notice to interested parties that a new window for application to prepay certain REA Guaranteed Federal Financing Bank Loans outstanding as of July 2, 1986. During the intial prepayment period 36 telephone borrowers prepaid approximately $135 million of the authorized $150 million. In accordance with 7 CFR 1786.30(b)(3) the unused prepayment authority is included in this notice. All other terms and conditions remain as in 7 CFR 1786 subpart B.

DATES: The notice of intent to prepay must be submitted during the period commencing on April 30, 1992 and ending on June 1, 1992.

ADDRESSES: An original and three copies of each application should be submitted, between the hours of 8:15 a.m. to 4:45 p.m. Washington, DC time, to: Chief, Communications and Records Management Branch, Administrative Service Division, Rural Electrification Administration, U.S. Department of Agriculture, room 0175 South Agriculture Building, Washington, DC 20250–1500, see part 1786.31.

FOR FURTHER INFORMATION CONTACT: Patrick D. Shea, Program Support Staff, rm. 2230–S, U.S. Department of Agriculture, Rural Electrification Administration, at the above address, Telephone: (202) 720–0736.

SUPPLEMENTARY INFORMATION: During the initial application period (commencing February 12, 1990 and ending March 12, 1990) to prepay REA Guaranteed Federal Financing Bank (FFB) Loans, REA received prepayment applications from 38 telephone borrowers totaling approximately $259 million. The amount of funds allocated to telephone borrowers to prepay FFB loans was $150 million. In accordance with the provisions of 7 CFR part 1786, "Prepayment of REA Guaranteed Federal Financing Bank Loans," the prepayment applications submitted by qualified REA-financed telephone systems were prorated.

The provisions of the regulation which govern the proration of the prepayment applications state that only those FFB advances which, if prepaid, would result in an economic savings to the borrower should be used in the proration calculation. The average interest rate for the 30-year Treasury Bond during the week of March 12–16, 1990, was used as the benchmark. Utilizing this rate, $239,645,782.24 of FFB advances were prorated to determine the individual borrowers' prepayment allocation. In a letter dated April 20, 1990, prepayment applicants were informed of their prepayment allocation and notified, in accordance with the regulation, that closing of all prepayment transactions must occur within 180 days from the date of that letter (October 17, 1990). These prepayments were carried out in accordance with subpart B—Prepayment of REA Guaranteed Federal Financing Bank Loans at 7 CFR 1786.25—1786.38 published at 55 FR 1145, January 11, 1990, redesignated at 55 FR 49250, November 27, 1990 which allocates $150 million to REA-financed telephone utilities, and under the provisions of (a) section 306 (A) of the Rural Electrification Act of 1936 as amended (RE Act); (b) section 633 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (Pub. L. 100–202) (Continuing Resolution); and (c) section 637 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, of 1989 (Pub. L. 100–460) (the 1989 Appropriations Act). During the initial prepayment period, 36 borrowers prepaid $134,822,628 in principal amount. Under 7 CFR 1786.30(b)(3) the remaining $15,177,372 in unused prepayment authority is included in this notice of a new application period.

Authority: 7 U.S.C. 901–950b; title I, subtitle B, Pub. L. 99–509; title I, Pub. L. 100–202; Pub. L. 100–203; title VI, Pub. L. 100–460; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

Dated: March 23, 1992.

Michael M. F. Liu,

Acting Administrator.

[FR Doc. 92–7274 Filed 3–30–92; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Piscola Creek Watershed, GA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Piscola Creek Watershed, Brooks and Thomas Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: Hershel R. Read, State Conservationist, Soil Conservation Service, Federal Building, Box 13, 355 East Hancock Avenue, Athens, Georgia 30601; telephone: 404–546–2272.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, Hershel R. Read, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this Project.

The project concern is watershed protection and includes accelerated land treatment and control of agricultural related pollution. The planned improvements include cost sharing and technical assistance to:

1. Develop and install 55 animal waste management plans that will include lagoons, sheds, pumping facilities, and water supply systems.

2. Install water disposal systems, contour farming, filter strips, and crop residue use on about 5,175 acres of cropland.

3. Install conservation tillage with 30% residue on about 485 acres of soybeans and corn.

4. Install permanent vegetation on about 220 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Dr. Hershel R. Read.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: March 23, 1992.

Hershel R. Read,

State Conservationist.

[FR Doc. 92–7288 Filed 3–30–92; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Institute of Standards and Technology.

Title: Advanced Technology Program.

Form Numbers: NIST–1262 and NIST–1263.

OMB Approval Number: 0693–0009.

Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 20,000 hours.

Number of Respondents: 500.

Avg Hours Per Response: 40 hours.

Needs and Uses: The National Institute of Standards and Technology has established the Advanced Technology Program (ATP) to accelerate the commercialization of technological innovations and refinement of manufacturing technologies by U.S. businesses. The information requested is necessary to assure a fair and equitable process to evaluate and fund proposals submitted to the program.

Affected Public: Businesses, federal agencies, small businesses, non–profit institutions, and state or local governments.

Frequency: Annual.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503. Anyone intending to comment on the proposed information collection must contact by telephone the OMB Desk Officer listed above no later than three weeks from the date of this notice.

Dated: March 25, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–7316–Filed 3–30–92; 8:45 am]

BILLING CODE 3510–CW

Bureau of Export Administration

Action Affecting Export Privileges; Faheem Ahmed Khan; Order Denying Permission To Apply for or Use Export Licenses

In the Matter of:

Faheem Ahmed Khan, with addresses at Bagsvaerd Hovedgade 99, 1 2880 Bagsvaerd, Copenhagen, Denmark

and

Big Springs Federal Correctional Institution, Register No. 04181003, 9100 Simler Avenue, Big Springs, TX 79720–7799.

On October 4, 1990, Faheem Ahmed Khan was convicted in the United States District Court for the Southern District of Alabama of violating section 2410(b) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991)) (EAA).[1] Section 11(h) of the EAA provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of the EAA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating the EAA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Khan's conviction for violating the EAA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Khan permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on October 4, 2000. I have also decided to revoke all export licenses issued pursuant to the EAA in which Khan had an interest at the time of his conviction.

Accordingly, it is hereby Ordered

I. All outstanding individual validated licenses in which Khan appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Khan's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until October 4, 2000, Faheem Ahmed Khan, Bagsvaerd Hovedgade 99, 1 2880 Bagsvaerd, Copenhagen, Denmark, and currently incarcerated at Big Springs Federal Correctional Institution, Register Number 04181003, 9100 Simler Avenue, Big Springs, Texas, 79720–7799, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Khan by affiliation,

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until October 4, 2000.

VI. A copy of this Order shall be delivered to Khan. This Order shall be published in the **Federal Register.**

Dated: March 20, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-7320 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-427-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from France. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover eleven manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for four other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.15 to 66.42 percent for BBs, from 0.59 to 18.37 percent for CRBs, and from 2.46 to 135.86 percent for SPBs. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), Lisa Boykin (Dassault Industries), Michael Diminich (SKF France), Carlo Cavagna (SNECMA, Turbomeca), Maureen McPhillips (INA Roulements S.A., SNR Roulements S.A.,) Tom McGinty (SNFA), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH, Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20902) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from France.

On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatiale Division Helicopteres (ADH)—BBs, CRBs, SPBs
Dassault Industries (Dassault)—BBs, CRBs, SPBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
INA Roulements (INA)—BBs, CRBs, SPBs
Messerschmitt-Boelkow-Blohm GmbH. (MBB)—BBs, CRBs, SPBs
Pratt & Whitney Canada, Inc. (Pratt & Whitney)—BBs, CRBs
SKF France (including all relevant affiliates)—BBs, CRBs, SPBs
SNFA—BBs, CRBs
SNR Roulements S.A. (SNR)—BBs, CRBs
Sociate Nationale d'Etude et de Construction de Moteurs d'Aviation (SNECMA)—BBs, CRBs
Turbomeca—BBs, CRBs, SPBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Messier Buggatti, Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualified for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, MBB, Dassault, and SNECMA qualified for and opted to use this price list option.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for certain firms. The Department's regulations provide that we may take into account whether a party refuses to provide information (19 CFR 353.37(b)). For purposes of these reviews, we have used the most adverse BIA—generally the highest rate for any company for the same class or kind of merchandise from the less than fair value (LTFV) investigation or prior administrative reviews—whenever a company refused to cooperate with the Department or otherwise significantly impeded the proceeding. For companies that attempted to cooperate, we used as BIA the higher of: (1) The firm's previous rate for the subject merchandise, or (2) the highest calculated rate in this review for the class or kind of merchandise. For missing data, we applied BIA on a case-by-case basis.

Because SNFA and INFA failed to respond to the Department's

questionnaire, we have used the highest rate ever found for each class or kind of merchandise.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" or merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element.

Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classified under the following HTS subheadings: 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts, and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

We consider those bearings otherwise subject to the order that are incorporated into nonbearing products, which collectively comprise less than one percent of the value of the finished products sold to unrelated customers in the United States, to be outside the scope of the antidumping orders on AFBs and not subject to assessment of antidumping duties. In Roller Chain, Other Than Bicycle, From Japan (48 FR 51801; November 14, 1983), roller chain, which was subject to an antidumping duty order, was imported by a related party and incorporated into finished motorcycles. The finished motorcycles were the first articles of commerce sold by the subject producer to unrelated purchasers in the United States. Since the roller chain did not constitute a significant percentage of the value of the completed product, the Department found that a USP could not reasonably be determined for the roller chain, and the product was therefore excluded from the scope of the order. We have applied this principle to these reviews.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Dassault (we used third country sales for SPBs) and Fiat (we used CV for BBs and third country sales for CRBs). The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of Pratt & Whitney, MBB, and Fiat, which sell French-origin bearings to the United States from countries other than France, we applied the criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) A reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the Commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that Italy, Germany, and Canada are the appropriate home markets for sales of French-origin AFBs by Fiat, MBB, and Pratt & Whitney, respectively.

Due to the extremely large number of transactions that occured during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of

sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Third country prices were based on the delivered prices to unrelated purchases. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we initiated cost investigations. We conducted cost investigations with respect to BBs and SPBs from SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded SKF's below-cost sales for BBs and SPBs.

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to BB and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
ADH	6.13	0.59	5.03
Dassault	11.97	5.83	2.46
FiatAvio	0.15	0.00	(2)
INA	66.42	18.37	135.86
MBB	32.31	(1)	135.86
Pratt & Whitney	14.85	10.55	(2)
SKF	5.73	(1)	0.00
SNFA	66.42	18.37	(2)
SNR	0.35	0.00	(2)
SNECMA	6.26	5.26	(2)
Turbomeca	12.98	8.75	(1)

[1] No. U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to France, if requested, will be held on April 23, 1992, in room 1851, at 9 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the initial briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to France are due no later than April 13 and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all

merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the review period. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notices are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7252 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Preliminary Results of Antidumping Duty, Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty, administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from the Federal Republic of Germany. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover ten manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for nine other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 4.14 to 28.44 percent for BBs, from 8.74 to 72.24 percent for CRBs, and from 1.10 to 18.43 percent for SPBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), J. David Dirstine (SKF GmbH, George Mueller Nurnberg, AG), Joseph Hanley (NTN Kugellagerfabrik (Deutschland) GmbH), Maureen McPhillips (INA Walzlager Schaeffler KG), Breck Richardson (Neuweg Fertigund GmbH), Michael Rill (FAG Kugelfischer George Schaefer KgaA), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH, Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20900) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from the Federal Republic of Germany. On June 28, 1991 and July 19, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618 and 56 FR 33251, respectively). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatial Division Helicopteres (ADH)—BBs, CRBs, SPBs
FAG Kugelfischer George Schaefer KGaA (FAG)—BBs, CRBs, SPBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Georg Mueller Nurnberg, AG (GMN)—BBs, CRBs, SPBs
INA Walzlager Schaeffler KG (INA)—BBs, CRBs, SPBs
Messerschmitt-Boelkow-Blohm GmbH (MBB)—BBs, CRBs, SPBs
Neuweg Fertigung GmbH (NWG)—BBs
NTN Kugellagerfabrik (IDeutschland) GmbH (NTN)—BBs, CRBs, SPBs
Pratt & Whitney Canada, Inc.—BBs, CRBs
SKF GmbH (including all relevant affiliates—BBs, CRBs, SPBs

Subsequent to the publication of our initiation notices, we received timely withdrawal request for Ateliers Busch & Cie., Dr. Ing.-K. Busch GmbH, Durbal GmbH & Co., Fichtel & Sachs AG, Ltd., Heidelberg Druckmaschinen, Rieter Machine Work, Rieter-Scragg, Ltd., Schubert & Salzer Maschinenfabrik A.G., and Zahnradfabrik Friedrichshafen A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed

sales listing, firms that qualified for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, MBB qualified for and opted to use this price list option.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classifed under the following HTS subheadings: 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporters sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the period of review (POR) because generally there were few PP sales.

United States price was based on the packet f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except Fiat (we used CV for BBs and CRBs) and ADH (we used third-country sales for CRBs). The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of ADH, and Pratt & Whitney, which sell German-origin bearings to the United States from countries other than Germany, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if: (1) A reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that France and Canada are the appropriate home markets for sales of German-origin AFBs by ADH, and Pratt & Whitney, respectively.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third-country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating,

dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations, and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses. We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we intitated cost investigations. We conducted cost investigations with respect to BBs, CRBs, and SPBs for SKF, BBs for GMN, BBs and CRBs for FAG, and BBs and CRBs for INA.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the cost of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales for FAG (BBs and CRBs), GMN (BBs), INA (BBs and CRBs), and SKF (BBs, CRBs, and SPBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the oridinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise or comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 15 CFR 353.56(b)(2).

Indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56.(b)(2).

Effective November 20, 1990, FAG required a group of bearings manufacturers located in the former German Democratic Republic (GDR). For purposes of these reviews, the Department did not require FAG to include in its response the home market sales or cost data of these former GDR manufacturers. Based on information submitted by FAG, there is little likelihood that price or cost manipulation occurred during the review period. Furthermore, the former GDR manufacturers made no U.S. sales during the POR. Given the extraordinary circumstances of the merger of two countries, one market-oriented and the other a nonmarket economy, the Department believes that a reasonable administration of the Tariff Act calls for a reasonable period of time to convert the records and business practices of the former GDR manufacturers to reflect the new economic environment. The Department's position is outlined in a proprietary decision memorandum dated September 20, 1991, from Jospeh A. Spetrini, Deputy Assistant Secretary for Compliance, to Eric I. Garfinkel, Assistant Secretary for Import Administration.

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
ADH	20.00	58.41	(1)
FAG	18.28	8.74	1.87
FiatAvio	4.14	24.82	(2)
GMN	10.77	(1)	(1)
INA	27.67	18.38	(1)
MBB	8.00	0.00	18.43
NWG	14.03	(2)	(2)
NTN	0.00	(1)	(1)
Pratt & Whitney	17.36	12.24	(2)
SKF	6.50	10.46	1.10

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 am. Any hearing regarding issues related solely to Germany, if requested, will be held on April 23, 1992, in room 1414, at 2 pm.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Germany are due no later than April 13 and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference

between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tarriff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7251 FIled 3-30-92, 8:45 am]

BILLING CODE 3510-DS-M

[A-475-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Italy. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), and cylindrical roller bearings (CRBs). The reviews cover seven manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for five other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.03 to 16.72 percent for BBs, and from 3.53 to 13.52 percent for CRBs. We invited interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), Carlo Cavagna (SNECMA), Michael Diminich (SKF Industrie S.p.A.), Tom McGinty (FAG Cuscinetti S.p.A.), Breck Richardson (Meter S.p.A.), Anna Snider (Rolls-Royce), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20903) the antidumping duty orders on ball bearings (BBs) and cylindrical roller bearings (CRBs) and parts thereof from Italy. On June 28, 1991 in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatiale Division Helicopteres (ADH)—BBs, CRBs
FAG Cuscinetti S.p.A. (FAG)—BBs, CRBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Meter S.p.A. (Meter)—BBs, CRBs
Rolls-Royce—CRBs
SKF—Industrie S.p.A. (including all relevant—BBs, CRBs affiliates) (SKF)
Societe Nationale d'Exude et de Construction—BBs, CRBs de Moteurs d'Aviation (SNECMA)

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for MBB, Rolls-Royce (BBs only), Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualifed for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, SNECMA and Rolls-Royce qualified for and opted to use this price list option.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings, with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the (POR) because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for BBs sold by ADH, Fiat, and SNECMA. In these limited instances, we used the largest viable third country market to calculate foreign market value for comparison to U.S. sales of BBs. Otherwise, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of ADH, SNECMA, and Rolls-Royce, which sell Italian-origin bearings to the United States from countries other than Italy, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the mechandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we determined that France, is the appropriate home market for sales of Italian-origin AFBs by ADH and SNECMA and the UK is the appropriate home market for sales of Italian-origin AFBs by Rolls-Royce.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight, handling charges, rebates, commissions, discounts, warranty, technical services, advertising and sales promotion, royalties, freight revenue, packing revenue, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions (in PP and ESP calculations) and U.S. selling expenses deducted in ESP calculations but not

exceeding the amount of those U.S. expenses.

Third country prices were based on the delivered prices to unrelated purchases. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, i.e., at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, or where we received adequate allegations of sales below cost in this review, we initiated cost investigations. We conducted cost investigations with respect to BBs and CRBs from SKF and BBs from FAG.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales made by SKF (BBs and CRBs) and FAG (BBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) parking costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
ADH	0.24	7.06
FAG	16.72	(1)
FiatAvio	2.63	13.52
Meter	8.29	(1)
Rolls-Royce	(2)	0.00
SKF	0.03	0.00
SNECMA	11.19	3.53

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. General issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Italy, if requested, will be held on April 22, 1992, in room 1414, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Italy are due no later than April 13, and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumpting duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined furing the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the review companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise;

and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Allen M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7253 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-804]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts therof from Japan. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover twenty-three manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for six other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.01 to 106.61 percent for BBs, from 0.00 to 51.82 percent for CRBs, and from 0.00 to 92.00 percent for SPBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith (Showa Pillow Block Mfg., Ltd., Takeshita Seiko Co., Uchiyama Mfg., Corp., Wasa Seiko Co., Ltd.), Sheila Baker (Inoue Jikuuke Kogyo Co., Nakai Bearing Co., Ltd., Nippon Seiko K.K.), Tom Barlow (Honda Motor Co., Ltd., Osaka Pump Co., Ltd., Yamaha Motor Co.), Amy Beargie (FiatAvio S.p.A.), Kris Campbell (Izumoto Seiko Co. Ltd., Maehara Ironworks Co., Ltd., Tottori Yamakai Bearing Seisakusho Ltd.), Robert Hamilton (Fujino Iron Works Co., Ltd., Koyo Seiko Co., Ltd., Nachi-Fujikoshi Corp., Nankai Bearing Co., Ltd.), Joseph Hanley (Asahi Seiko Co., Ltd.), Albert Hayes (NTN Corp.), Laurel Lynn (Nippon Pillow Block Sales Co.), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH), or Laurel LaCivita and Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20904) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from Japan. On June 28, 1991 and August 14, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618 and 56 FR 40305, respectively). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Asahi Seiko Co., Ltd. (Asahi)—BBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Fujino Iron Works Co., Ltd (Fujino)—BBs
Honda Motor Co., Ltd. (Honda)—BBs, CRBs, SPBs
Inoue Jikuuke Kogyo Co., Ltd., (IJK)—BBs, CRBs
Izumoto Seiko Co. Ltd., (Izumoto)—BBs
Koyo Seiko Co., Ltd., (Koyo)—BBs, CRBs, SPBs
Maehara Ironworks Ltd., (Maehara)—SPBs
Messerschmitt-Boelkow-Blohm GmbH (MBB)—BBs, CRBs, SPBs
Minebea Co. Ltd., (Minebea)—BBs, CRBs, SPBs
Nachi-Fujikoshi Corp. (Nachi)—BBs, CRBs, SPBs
Nakai Bearing Co., Ltd. (Nakai)—BBs
Nakai Seiko Co., Ltd. (Nankai)—BBs
Nippon Pillow Block Sales Co., Ltd. (NPB)—BBs, CRBs, SPBs
Nippon Seiko K.K. (NSK)—BBs, CRBs, SPBs
NTN Corp. (NTN)—BBs, CRBs, SPBs
Osaka Pump Co., Ltd. (Osaka Pump)—BBs
Showa Pillow Block Mfg., Ltd. (Showa)—BBs
Takeshita Seiko Co. (Takeshita)—BBs
Tottori Yamakai Bearing Seisakusho (Tottori)—BBs
Uchiyama Mfg., Co. Ltd. (Uchiyama)—BBs
Wada Seiko Company, Ltd. (Wada)—BBs
Yamaha Motor Co. (Yamaha)—BBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for C. Itoh and Co., Mazda Motor Corp., Rieter Machine Work, Rieter-Scragg Ltd., Schubert & Salzer Maschinenfabrik A.G., Sumitomo Corp, and Yamaha (CRBs and SPBs). Because there were no requersts for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

We have also terminated reviews of Kuroe Industries, HIC Corp., and Peer International Japan because they are resellers, and all suppliers for these firms had knowledge at the time of sale that the merchandise was destined for the United States. Consequently, these firms are not resellers as defined in 19 CFR 353.2(s) because their sales cannot be used to calculate U.S. price. Therefore, under 19 CFR 353.22(a)(2), they cannot be the subjects of an administrative review.

The Department allowd certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualified for the price lists option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, Honda, MBB and Yamaha reported home market and U.S. sales data according to the price list option.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for certain firms. The Department's regulations provide that we may take into account whether a party refuses to provide informaiton (19 CFR 353.37(b)). For purposes of these reviews, we have used the most adverse BIA—generally the highest rate for any company for the same class or kind of merchandise from the less than fair value (LTFV) investigation or prior administrative reviews—whenever a company refused to cooperate with the Department or otherwise significantly impeded the proceeding. For companies that attempted to cooperate, we used as BIA the higher of: (1) The firm's previous rate for the subject merchandise, or (2) the highest calculated rate in this review for the class or kind of merchandise. For missing data, we applied BIA on a case-by-case basis.

Scope of Reviews

The products coverd by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classified under the following HTS subheadings: 8483.3040, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The writen descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in seciton 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to UPS for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

We consider those bearings otherwise subject to the order that are incorporated into nonbearing products, which collectively comprise less than one percent of the value of the finished products sold to unrelated customers in the United States, to be outside the scope of the antidumping orders on AFBs and not subject to assessment of antidumping duties. in Roller Chain, Other Than Bicycle, From Japan (48 FR 51801; November 14, 1983), roller chain, which was subject to an antidumping duty order, was imported by a related party and incorporated into finished motorcycles. The finished motorcycles were the first articles of commerce sold by the subject producer to unrelated purchasers in the United States. Since the roller chain did not constitute a significant percentage of the value of the completed product, the Department found that a USP could not reasonably be determined for the roller chain, and the product was therefore excluded from the scope of the order. We have applied his prinicple to these reviews.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Showa Pillow Block Mfg. Co. The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). With respect to Showa Pillow Block, the Department used sales to a third country or CV as defined in section 773 of the Tariff Act, as appropriate, to calculate FMV.

In the cases of Fiat and MBB, which sell Japanese-origin bearings to the United States from countries other than Japan, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that Italy and Germany are the appropriate home markets for sales of Japanese-origin AFBs by Fiat and MBB, respectively.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2,000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

We intiated cost investigations when we disregarded sales below cost in the previous administrative review period, or where we received adequate allegations of sales below cost in this review period. We conducted cost investigations with respect to BBs, CRBs and SPBs from NTN, and BBs and CRBs for Koyo, Nachi, and NSK.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV. We disregarded sales below cost for Koyo, Nachi, NSK, and NTN.

Since none of the respondents submitted information indicating that its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales for Koyo (BBs, CRBs), NSK (BBs, CRBs), Nachi (BBs, CRBs) and NTN (BBs, CRBs, SPBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
Asahi	0.01	(2)	(2)
FiatAvio	2.12	5.02	(2)
Fujino	1.80	(2)	(2)
Honda	0.04	0.00	0.00
IJK	1.28	0.00	(2)
Izumoto	3.75	(2)	(2)
Kóyo	3.34	1.23	0.00
Maehara	(2)	(2)	0.57
MBB	(1)	(1)	20.94
Minebea	106.61	51.82	92.00
Nachi	13.21	22.72	(1)
Nakai	6.42	(2)	(2)
Nankai	9.22	(2)	(2)
NPBS	106.61	(1)	(1)
NSK	4.41	7.44	(1)
NTN	1.51	6.25	0.00
Osaka Pump	0.92	(2)	(2)
Showa	8.84	(2)	(2)
Takeshita	0.84	(2)	(2)
Tottori	3.54	(2)	(2)
Uchiyama	15.60	(2)	(2)
Wada	15.60	(2)	(2)
Yamaha	106.61	(2)	(2)

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issued related solely to Japan, if requested, will be held on April 24, 1992, in Room 1414, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Japan are due no later than April 14 and April 21, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publicaiton of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7254 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-801]

Ball Bearings and Parts Thereof From Romania; Preliminary Results Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts thereof from Romania. The review covers the sole exporter, Tehnoimportexport, and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined that there is no dumping margin for this firm.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Breck Richardson or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20906) an antidumping duty order on ball bearings and parts thereof from Romania. On June 28, 1991, in accordance with § 353.22(c) of the Department's regulations, we initiated an administrative review of that order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). the Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

This review covers ball bearings and parts thereof exported by Tehnoimportexport (TIE).

Scope of review

The products covered by this review are ball bearings, mounted or unmounted, and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP), as defined in section 772 of the Tariff Act. Purchase price was based

on the packed, f.o.b. price to unrelated purchasers in the United States. We made adjustments for domestic inland freight and handling based on Thai surrogate information (see discussion under Foreign Market Value). No other adjustments were claimed or allowed.

Foreign Market Value

We have concluded that Romania is a non-market economy country for purposes of this administrative review. Given that this review was initiated subsequent to the effective date of section 1316 of the Omnibus Trade and Competitiveness Act of 1988, which amended section 773(c) of the Tariff Act, we are required to use the constructed value based on the valuation of factors of production or prices of such or similar merchandise in a market economy country as the basis for determining foreign market value. The Tariff Act further provides that the Secretary will value the factors of production in a market economy country which is comparable in terms of economic development to the non-market economy country.

Of countries known to produce bearings, we determined that Thailand, Malaysia, Argentina, Turkey, and Chile were comparable to Romania in stages of economic development. Questionnaires, requesting information on bearing production, packing, and shipping costs, were sent to U.S. embassies in each of these countries. The only response was from a Thai company, which had been sent the questionnaire by the U.S. embassy in Thailand. To the extent possible, we used the information provided by this company. When certain information was not provided, or was not considered to be adequate, the Department resorted to the use of information from publicly available sources for valuing factors of production. Of the identified surrogate countries, the most usable publicly available information pertained to Thailand, which the Department had determined to be the preferred surrogate.

We used the following information to value the factors of production:

- We based the values for steel used to manufacture the inner and outer rings, balls, armatures, rivets, seals, and cages on official data from "Foreign Trade Statistics of Thailand" regarding imports into Thailand of the appropriate types of steel.
- In the absence of reliable data from the U.S. embassies in the surrogate countries, as best information available (BIA), we based scrap value on official data from "Foreign Trade Statistics of Thailand" regarding imports into Thailand of alloy scrap steel.
- We based labor rates on actual costs we received from the Thai bearings producer.
- We based freight costs on public rates for a freight company in Thailand.
- We based overhead on the Thai bearings manufacturer's ratio of overhead costs to total cost of manufacturing. The overhead ratio was applied to the sum of materials and labor which we had calculated for TIE. From this total overhead amount, we deducted indirect labor.
- For general, selling, and administrative expenses, we used the statutory minimum of ten percent of the cost of manufacturing.
- For profit, we used the statutory minimum of eight percent of the sum of material costs, fabrication costs, and general expenses.
- As surrogate information for U.S. packing expense, we added to constructed value packing expenses based on cost data from the bearings manufacturer in Thailand.
- Data were not available from any of the surrogate countries for the cost associated with rubber seals. Therefore, as BIA, material costs associated with rubber seals were based on data from a company in Taiwan. To this we added labor, overhead, profit and packing.

Preliminary Results of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/ exporter	Review period	Margin (per-cent)
Tehnolimportexport (TIE)	05/01/90–04/30/91	0.00

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Romania, if requested, will be held on April 22, 1992, in room 1410, at 10 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Romania are due no later than April 10 and April 17, 1992, respectively. The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total amount of antidumping duties calculated for the sales examined in the review and the total entered customs value of those sales. This rate will be assessed uniformly on all entries by that particular importer during the review period. (This is equivalent to dividing the total value of dumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of all sales compared and adjusting the result by the average difference between USP and customs value for all merchandise examined during the review period.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the review period. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative

review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7255 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-801]

Ball Bearings and Parts Thereof From Singapore; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts therof from Singapore. The review covers one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined the weighted-average dumping margin for this firm to be 9.49 percent.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Laurel Lynn or Laurel LaCivita; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20907) an antidumping duty order on ball bearings and parts thereof from Singapore. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act.

This review covers NMB Singapore Ltd. and NMB/Pelmec Industries (Pte.) Ltd, which we are treating as one entity (hereinafter referred to as NMB/Pelmec) for purposes of this review.

Scope of Review

The products covered by this review are ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurrred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.ob., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP fro movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

Foreign Market Value

Because the home market was viable for NMB/Pelmec, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV).

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Because we received an adequate allegation of sales below cost in this review period, we initiated a cost investigation with respect to NMB/Pelmec.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales have been made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When

10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since NMB/Pelmec did not submit information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we are unable to conclude that the costs of production of such sales have been recovered within a reasonable period. As a result of our investigation, we disregarded NMB/Pelmec's below-cost sales.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. Adjustments involving PP and ESP transactions were made for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/ exporter	Review period	Margin (per-cent)
NMB/Pelmec	05/01/90–04/30/91	9.49

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Singapore, if requested, will be held on April 20, 1992, in room 1851, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Singapore are also due no later than April 9 and April 16, 1992, respectively.

The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total entered customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference bstween USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate and *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requiremens, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–7256 Filed 3–30–92; 8:45 am]

BILLING CODE 3510-DS-M

[A-401-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Sweden; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Sweden. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), and cylindrical roller bearings (CRBs). The reviews cover one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for three other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firm to be 6.05 percent for BBs, and 5.00 percent for CRBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Lisa Boykin, Michael Diminich, or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20900) the antidumping duty orders on ball bearings (BBs), and cylindrical roller bearings (CRBs) and parts thereof from Sweden. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover SKF Sverige and its sales of BBs and CRBs.

Subsequent to the publication of our initiation notice, we received timely withdrawl requests for Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical rollers bearings (including split cylindrical rollers bearings) and parts thereof, and housed or mounted cylindrical rollers bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size of precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based ont he packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) under section 772(d)(1)(C) of the Tariff Act.

Foreign Market Value

The home market was viable for SKF with respect to its sales of BBs. However, with respect to its sales of CRBs, there was no viable home market.

The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV) for BBs. With respects to CRBs, the Department used sales to a third country or CV as defined in section 773 of the Tariff Act, as appropriate, to calculate FMV.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales sampling.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or

similar merchandise, and these products to be equally similar. As defined in the questionnaire , a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions (in PP and ESP calculations) and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Third country price was based on the delivered prices to unrelated purchasers in Germany. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, i.e., at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Because we disregarded sales below cost in the previous administrative review period, we initiated cost investigations with respect to BBs and CRBs for SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over the extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since SKF did not submit information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales of BBs and CRBs.

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis because there was no documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimun of 8 percent of material, fabrications costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
SKF	6.05	5.00

Parties to this proceeding may request disclosure and/or hearing within 5 days of the date of publication of this notice. Any general issues hearing, if requested, will beheld on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Sweden, if requested, will be held on April 21, 1992, in room 3708, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Sweden are due no later than April 10, and April 17, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as

provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7257 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-549-801]

Ball Bearings and Parts From Thailand; Preliminary Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and partial termination of administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts therof from Thailand. The reviews cover one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined the weighted-average dumping margin from this firm to be 0.32 percent. In addition, we are terminating the review for three firms based on timely withdrawals of review requests.

We invite interested parties to comment on these prelimianry results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Laurel Lynn or Laurel LaCivita; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20909) an antidumping duty order on ball bearings and parts thereof from Thailand. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

This review covers NMP Thai Ltd. and NMP/Pelmec Thai Ltd, which we are treating as one entity (hereinafter referred to as NMB/Pelmec) for purposes of this review.

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the review with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Review

The products covered by this review are ball bearings and parts thereof. These products include ann antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8384.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

Foreign Market Value

Because the home market was viable for NMB/Pelmec, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV).

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, and differences in packing.

We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. Adjustments involving PP and ESP transactions were made for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Result of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/ Exporter	Review Period	Margin (Percent)
NMB/Pelmec	05/01/90-04/30/91	0.32

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Thailand, if requested, will be held on April 21, 1992, in room 3708, at 10 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Thailand are due no later than April 10 and April 17, 1992, respectively. The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administratrive review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5)

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7258 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-412-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the United Kingdom; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from the United Kingdom. The classes or kinds of merchandise covered by these orders are ball bearings (BBs) and cylindrical roller bearings (CRBs). The reviews cover eight manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for five other manufacturers/exporters,

we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 1.92 to 15.96 percent for BBs, and from 4.79 to 31.07 percent for CRBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A.), Lisa Boykin (SKF (U.K.) Ltd.), Tom McGinty (FAG U.K., Ltd., Barden Corp.), Maureen McPhillips (INA Bearing Co., Ltd.), Michael Rill (RHP Bearings), Joanna Schlesinger (Cooper Bearings Ltd.), Anna Snider (Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20910) the antidumping duty orders on ball bearings (BBs) and cylindrical roller bearings (CRBs) and parts thereof from the United Kingdom. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618).

The Department is now conducting these administrative reviews in accordance with section 651 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Barden Corporation (Barden)—BBs, CRBs
Cooper Bearings Ltd. (Cooper)—CRBs
FAG U.K., Ltd. (FAG)—BBs, CRBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
INA Bearing Co., Ltd. (INA)—BBs, CRBs
Pratt & Whitney Canada, Inc. (Pratt & Whitney)—BBs, CRBs
RHP Bearings (RHP)—BBs, CRBs
SKF U.K., Ltd. (including all relevant affiliates) (SKF)—BBs, CRBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Aerospatiale Division Helicopteres, Rieter Machine Works, Ltd., Rieter-Scragg Ltd., Rolls-Royce, and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise.

1. Ball Bearings and Parts Thereof:

These products include all AFBs that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylinrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8798.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Fiat CRBs. Since Fiat did not sell CRBs in the home market or to third countries, we used constructed value as the basis of FMV for that firm. The Department used home market price, third country price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the case of Pratt & Whitney, which sells U.K.-origin bearings to the United States from a country other than the U.K., we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we determined that Canada is the appropriate home market for sales of U.K.-origin AFBs by Pratt & Whitney.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a

firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we considered annual weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments in accordance with 19 CFR 353.56(b), where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. indirect selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we initiated cost investigations. We conducted cost investigations with respect to BBs abd CRBs sold by RHP and BBs sold by SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since neither RHP and SKF has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all cost within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales made by RHP (BBs and CRBs) and SKF (BBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(b) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriated, we made adjustments to constructed value, in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reveiws, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
Barden Corporation	1.92	(1)
Cooper Bearings	(2)	0.00
FAG	2.72	0.00
FiatAvio	(1)	6.68
INA	(1)	0.00
Pratt & Whitney	(1)	4.79
RHP Bearings	15.96	31.07
SKF	6.67	(1)

[1] No U.S. sales during the review period.
[2] No review reqested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 am. Any hearing regarding issues related solely to the U.K., if requested, will be held on April 24, 1992, in room 3708 at 9 am.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to the U.K. are due no later than April 14, and April 21, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of

that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the review period.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instrucitons directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7259 FIled 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-003]

Cotton Shop Towels From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce .

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by Milliken & Company (the petitioner), the Department of Commerce is conducting an administrative review of the antidumping duty order on cotton shop towels from the People's Republic of China (PRC). The review covers three producers/resellers of this merchandise to the United States during the period October 1, 1989 through September 30, 1990. We preliminarily determine the dumping margins for this period to be 72.21 percent for Tianjin Arts & Crafts Import and Export Corporation (TAC), and 122.81 percent for Chinatex and China National Arts and Crafts Import and Export Corporation (CNART), based on best information available. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992 .

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo, Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1990, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (55 FR 40981) of the antidumping duty order on cotton shop towels from the PRC for the period October 1, 1989 through September 30, 1990. On October 26, 1990, the petitioner, Milliken & Company, requested an administrative review of the entries of Chinatex, CNART, and TAC for the period October 1, 1989 through September 30, 1990. The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

On June 14, 1991 questionnaires were issued to the producers/resellers listed above. TAC, which until January 1, 1989, was named China National Arts and Crafts Import and Export Corporation, Tianjin Branch (CNART), was the only company that answered the Department's questionnaire.

In the previous review of cotton shop towels from the PRC (56 FR 60969), we determined that TAC had sufficiently demonstrated the absence of governmental control over its legal, financial and economic affairs. TAC, therefore, qualified for a separate dumping rate. (See Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton From The People's Republic of China, 56 FR 60969, November 29, 1991). TAC has again placed evidence on the record demonstrating its independence from governmental control during the present review. Accordingly, we have preliminarily decided to grant TAC's request for a separate dumping rate.

Use of Best Information Available

We have assigned to all other PRC firms for which a review was requested a deposit rate based on the best information available (BIA), in accordance with section 776(c) of the Act, because no other named PRC exporter responded to our questionnaire. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide required information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department will assign to that company the higher of: (1) the highest margin calculated for any company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied adequate responses for the current review. *See, e.g.*, Antifriction

Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany: Final Results of Antidumping Duty Administrative Review (56 FR 31692, 31704, July 11, 1991). In this case, the highest margin is from a previous review.

Scope of the Review

The products covered by this review are cotton shop towels from the PRC. Effective January 1, 1989, cotton shop towels are classified under Harmonized Tariff Schedule (HTS) item 6307.10.2005. Previously, cotton shop towels were classified under item 366.2840 of the Tariff Schedules of the United States Annotated (TSUSA). The HTS and TSUSA item numbers are provided for convenience and customs purposes. The written description remains dispositive.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Act. Purchase price was based on the CIF or C&F packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for inland freight and oceans freight. We based the deduction for foreign inland freight on freight rates in Indonesia, a surrogate country selected in this review. See Foreign Market Value section of this notice.

Since the goods were transported from China to the United States aboard PRC-owned carriers, we based the deduction for ocean freight on the charges of non-state-owned carriers filed with the United States Federal Maritime Commission.

Foreign Market Value

Section 773(c)(1) of the Act, as amended, requires the Department to determine foreign market value (FMV) using factors of production methodology if (1) the merchandise is exported from a non-market economy (NME) country as described in section 771(18) of the Act and (2) the available information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a).

Pursuant to section 771(18) of the Act and based on determinations in prior proceedings, the PRC is an NME country. (See, e.g., Final Determination of Sales at Less than Fair Value: Natural Menthol From the People's Republic of China, 46 FR 24614, May 1, 1981; Final Determination of Sales at Less than Fair Value: Oscillating Ceiling Fans from the People's Republic of China, 56 FR 55271, October 25, 1991). Respondent has not refuted this determination. Respondent claims, however, that the prices of two of its input products (starch and ink), which are produced and sourced within the PRC, are market-oriented and should, therefore, be used to value those factors of production for purposes of determining FMV under section 773. Respondents refer to Final Determination of Sales at Less Than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China (56 FR 46153, September 10, 1991) as precedent.

In Lug Nuts, the Department did not find lug nut production in the PRC sufficiently market-based to warrant market-economy treatment under section 773(c)(1)(B) of the Act. The Department did, however, use PRC domestic steel and chemical prices for factor valuation purposes, based on a finding that the central government was not involved and did not interfere in the specific transactions between the PRC lug nut producer and its suppliers.

The Department has since reconsidered its practice of "mixing" market-economy country values and NME domestic prices, and has determined that such an approach offers an inappropriate basis for determining foreign market value in cases involving NME countries. (See Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the People's Republic of China, 57 FR 9409, March 18, 1992). Consequently, absent an allegation that market economy treatment is warranted under section 773(c)(1)(B), the Department will not entertain claims to use domestic market-based prices in valuing individual factors of production in NME cases.

In this review, respondent is not claiming that PRC shop towel producers are sufficiently market-oriented that section 773(c)(1)(B) applies to them. Respondent is claiming only that the domestic prices paid for two insignificant inputs are market-based. As such we preliminarily determine that domestic prices will not be used to value any of the inputs. The Department has, therefore, valued all of respondent's factors of production on the basis of prices in India, Indonesia, and Pakistan.

The Act permits the Department to value the factors of production in one or more market economy countries that are at level of economic development comparable to that of the NME and that are significant producers of comparable merchandise.

Of countries known to produce shop towels, we determined that India, Indonesia and Pakistan are comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the distribution of labor between the agricultural and non-agricultural sectors, and the growth rate in per capita GNP. Moreover, the Department's import statistics indicate that each of these countries is a significant producer of cotton shop towels.

We chose India as the most comparable surrogate on the basis of per capita GNP, the distribution of labor between the agricultural and non-agricultural sectors, and the growth rate in per capita GNP. Where possible, we obtained information for valuing factors of production from publicly available sources in India, except for certain factors for which adequate Indian information was not available. The factors which were not assigned Indian values were assigned values based on data from Indonesia or Pakistan. Where appropriate, we adjusted the factor values to the period of review using wholesale price indices published by the International Monetary Fund. For some calculations, the January 1992 wholesale price indices were not available for us in deflating current prices to the period of review. Therefore, we used the latest month for which they were available. We will recalculate the affected calculations using the January 1992 wholesale price indices prior to issuance of the final results.

We calculated FMV based on the factors of production reported by the Chinese producer, TAC, which submitted its factors of production on a per-bale of cotton shop towels basis. We multiplied the per-bale factor by the value for each component material to arrive at a cost for materials. We added an amount for labor which we valued in India. To the resulting sum, we added an amount for factory overhead based on information received from the Indonesian shop towel industry and relayed by the U.S. Embassy in Indonesia. We then added the statutory minimum of 10 percent for general expenses, pursuant to section 773(e)(1)(B) of the Act, because the statutory minimum is higher than any figure we obtained from a surrogate producer. We next added 15 percent for profit based on information received from the U.S. Embassy in Indonesia. Finally, we added an amount for packing based on data from Indonesia, the only source for packing data we were able to develop. We used the total of the foregoing amounts to represent foreign market value for a single bale of cotton shop towels, which was then compared to each of TAC's U.S. sales prices for a single base of cotton shop towels.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the dumping margins to be:

Producer/exporter	Margin (percent)
TAC	72.21
Chinatex	122.81
CNART	122.81

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due.

The Department will publish the final results in the administrative review including the results of its analysis of issues raised in any case or rebuttal briefs.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate(s) for the reviewed company(ies) will be that (those) established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secertary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 24, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7391 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-050]

Racing Plates (Aluminum Horseshoes) from Canada; Final Results of Administrative Review of the Antidumping Finding

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Final results of administrative review of the antidumping finding.

SUMMARY: On January 17, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covers one manufacturer/exporter of this merchandise to the United States, Equine Forgings Limited, and the period February 1, 1990 through January 31, 1991.

We gave interested parties an opportunity to comment on the preliminary results; we received no comments. The final results of review are unchanged from those presented in the preliminary results, in which we determined the dumping margin to be 7.25 percent for Equine Forgings Limited.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 17, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 2078) the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada (39 FR 7579; February 27, 1974). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by the review are shipments of racing plates (horseshoes) that are made of aluminum, may have cleats or caulks, and come in a variety of sizes. They are used on race horses, polo, jumping, hunting and other performing horses, as differentiated from pleasure and work horses. During the review period such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 7616.90.00. The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of Canadian aluminum racing plates, Equine Forgings Limited, and the period February 1, 1990 through January 31, 1991.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received no comments.

Final Results of the Review

The final results remain the same as those presented in the preliminary results. As a result of our comparison of United States price to foreign market value (FMV), we determine that the

following margin exists for the period February 1, 1990 through January 31, 1991:

Manufacturer/exporter	Margin (percent)
Equine Forgings Limited	7.25

The Department shall determine and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of aluminum racing plates from Canada, entered, or withdrawn from warehouse for consumption, on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 7.25 percent. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that the reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(1990).

Dated: March 24, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7388 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-05-M

[A-437-001]

Truck Trailer Axle and Brake Assemblies From Hungary; Invitation for Comment on Antidumping Duty Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) has reason to believe that the Hungarian Railway Carriage and Machine Works (RABA) has violated the Agreement suspending the antidumping duty investigation of Truck Trailer Axle and Brake Assemblies from Hungary. The Department invites interested parties to comment.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph B. Kaesshaefer, Jr. or Robin Gray, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION: On January 4, 1982, the Department published in the **Federal Register** a notice of suspension of antidumping investigation on Truck Trailer Axle and Brake Assemblies from Hungary (47 FR 66). This suspension of investigation was based upon an agreement reached between the Department and RABA in accordance with section 734(b) of the Tariff Act of 1930, 25 amended (the Act), in which RABA agreed to revise its prices to eliminate sales of this merchandise to the United States at less than fair value (hereinafter referred to as "the Agreement"). According to the Agreement, the Department shall conduct administrative reviews under section 751 of the Act annually or at shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value. Further, the Agreement states that RABA will make subsequent price adjustments as necessary to ensure that future sales of the product will not be made at less than fair value, and that such adjustments shall be made in accordance with the Department's administrative review under section 751 of the Act.

The Agreement further provides that if the Department determines that RABA has not honored its obligations under the Agreement, the Department shall reopen the investigation. Additionally, the Agreement states that the Department will reopen the investigation if it determines that the Agreement is no longer in the public interest or that effective monitoring is no longer practicable.

On January 13, 1992, the Department began an administrative review under section 751 of the Act on truck trailer axle and brake assemblies (axles) from Hungary covering the period of calendar year 1991. The Department sent a questionnaire to RABA's counsel on January 13, 1992, and requested a response no later than 45 days from that date. On February 20, 1992, counsel for RABA requested a 45 day extension for the response to the 1991 questionnaire. On February 27, 1992, the Department granted counsel an additional 15 days (*i.e.*, until March 13, 1992) to submit the questionnaire response for calendar year 1991, and advised counsel that the response should be as complete as possible when submitted on that date as any information lacking from the response might result in the use of best information available (BIA). On March 13, 1992, RABA failed to submit to the Department a response to the questionnaire for calendar year 1991.

On January 17, 1992, the Department initiated administrative reviews on the merchandise covering the periods of calendar years 1986 through 1990. The Department sent a questionnaire for these periods to RABA's counsel on January 17, 1992, and requested a response to the questionnaires covering the periods of calendar years 1986 and 1987 only no later than 45 days from that date. In addition, the Department requested a response to the questionnaire covering the period of calendar year 1988 only no later than 60 days from that date. On March 2 and March 17, 1992, respectively, RABA failed to submit responses to the questionnaires for those three periods. On March 9, 1992, one week after the deadline had passed for the 1986 and 1987 responses, RABA's counsel requested an unspecified amount of time to respond to the questionnaires for the 1986 and 1987 periods.

According to § 353.19(b)(1) of the Department's regulations (19 CFR 353.19(b)(1) (1991)), if the Department has reason to believe that a signatory exporter has violated a suspension agreement, or that an agreement no

longer meets the requirements of section 734(d) of the Act that the agreement be in the public interest and that effective monitoring be practicable, the Department shall invite and consider comments concerning the agreement. Because RABA has failed to submit timely responses to the Department's questionnaires, the Department has reason to believe that RABA has violated the Agreement on axles from Hungary and/or the Agreement no longer meets the requirements of section 734(d) of the Act. Therefore, the Department invites comments concerning this issue. Written comments from interested parties may be submitted not later than 15 days after the date of publication of this notice. Rebuttals to written comments may be filed not later than 22 days after the date of publication. After consideration of comments received, the Department will take appropriate action as Department will take appropriate action as provided in § 353.19(b)(2) of the Department's regulations.

This notice is in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 23, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7389 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-223-601]

Request for Termination of Suspended Investigation on Certain Fresh-Cut Flowers From Costa Rica

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of request for termination of suspended investigation.

SUMMARY: The Department of Commerce has received a request to terminate the suspended investigation on certain fresh-cut flowers from Costa Rica.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Millie Mack or Art Stern, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received a timely request, in accordance with §§ 355.25(a)(2) and 355.25(b)(2) of the Department's regulations (19 CFR 355.25(a)(2) and 355.25(b)(2) (1990)), for an administrative review and termination of the suspended investigation covering certain fresh-cut flowers from Costa Rica.

On January 27, 1991, the Government of Costa Rica requested an administrative review and termination of the suspended countervailing duty investigation covering fresh-cut flowers. On February 24, 1992, the Department initiated the administrative review (57 FR 6314). This notice serves as public notification that we received a request for termination of the suspended investigation.

Section 355.25(a)(2) of the Department's regulations permits termination of a suspended investigation if the Department determines that all producers and exporters covered by the suspension agreement have not applied for or received any net subsidy on the subject merchandise for a period of at least five consecutive years, and it is not likely that the producers or exporters will in the future apply for or receive any net subsidy on the merchandise from those programs that the Secretary has found countervailable.

In conjunction with the signatories covered by the suspension agreement, the Government of Costa Rica has submitted in a timely fashion the certifications required under § 355.25(b)(2) of the Department's regulations regarding past and future compliance with the terms of the agreement. Therefore, the Department will conduct an administrative review of the countervailing duty suspension agreement on certain fresh-cut flowers to determine if termination is appropriate.

This notice is in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 355.22(c) and 19 CFR 355.25(c).

Dated: March 23, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-7392 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-406]

Certain Round Shaped Agricultural Tillage Tools From Brazil; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain round shaped agricultural tillage tools from Brazil. We preliminarily determine the net subsidy to be 0.05 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 49878) of the countervailing duty order on certain round shaped agricultural tillage tools from Brazil (50 FR 42743; October 22, 1985) for the period January 1, 1990 through December 31, 1990. On October 15, 1991, the respondent Marchesan S.A. requested an administrative review of the order. We initiated the review covering the period January 1, 1990 through December 31, 1990, on November 22, 1991 (56 FR 58878). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of certain round shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades. During the review period, such merchandise was classifiable under item numbers 8432.21.00, 8432.29.00, 8432.80.00 and 8432.90.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four manufacturer/exporters and nine programs for the period January 1, 1990 through December 31, 1990.

Hyperinflationary Economies

According to statistics published by the Brazilian government, the annual inflation in Brazil during the review period was 1,285 percent. Under such circumstances, the clustering of nominal countervailable benefits either at the beginning or at the end of the review period would tend to distort the real value of the benefit bestowed on the firm. In this review, benefits from the Income Tax Reduction for Export Earnings program were received at the beginning of the review period. Therefore, we have made a downward adjustment to the nominal values of annual exports used to calculate the benefit from this program. This adjustment is based on the price deflator index used by the Brazilian government during the period of review, the Bonus do Tesouro Nacional (BTN). For further explanation of this methodology see Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991).

Calculation Methodology for Assessment and Cash Deposit Purposes

In calculating the benefits received during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d) (53 FR 52325; December 27, 1988). First, we calculated a country-wide rate, and then weight-averaged the benefits received by the four companies subject to review determine the overall subsidy from all countervailable programs benefitting exports of the subject merchandise to the United States. Because the country-wide rate was *de minimis*, as defined by 19 CFR 355.7, we determine the rate for all companies, regardless of the level of benefits to each company, to be zero. See, e.g., Final Results of Countervailing Duty Administrative Review; Ceramic Tile From Mexico (56 FR 27496; June 14, 1991).

Analysis of Programs

(1) Income Tax Reduction for Export Earnings

This program was previously named Income Tax Exemption for Export Earnings. Under this program, exporters of certain round shaped agricultural tillage tools are eligible for a reduction from income tax on the portion of their profits attributable to exports. The exporter calculates the tax-reduction portion of profit based on the ratio of export revenue to total revenue. Because this program provides tax reductions that are limited to exporters, we have determined that it is countervailable in the original investigation (August 26, 1985, 50 FR 34525) and subsequent administrative reviews (April 18, 1991, 56 FR 15862 and July 16, 1991, 56 FR 32403).

Brazilian tax law permits all companies to reduce their income taxes by investing up to 24 percent of their tax liability in specified companies and funds. Furthermore, under this program profits from export sales were taxed at a rate of eighteen percent in 1990 instead of the nominal corporate tax rate of 30 percent. Three agricultural tillage tool manufacturers/exporters claimed this income tax reduction for export earnings on their tax returns, filed in 1990 and invested in the specified companies and funds, which lowered their effective tax rate to eighteen percent during the period of review.

We calculated the effective tax rate for the firms by dividing the net tax liability by net taxable income. In order to adjust for hyperinflation, the subsequent figures were converted into BTN using the same BTN rate used in the tax returns. We determined the export profit by multiplying the exports to sales ratio by adjusted operating profits. We went on to determine the tax reduction by multiplying the export profit by the difference between the effective tax rate and the preferential tax rate of eighteen percent. We allocated the tax benefit over the firm's total exports. The firm's total exports in New Cruzados for 1990 were deflated using the average BTN rate for 1990. We then weight-averaged the benefit by the firms' share of exports of the subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be zero for CIA. Semeato de Acos and 0.05 percent *ad valorem* for all other firms for the period January 1, 1990 through December 31, 1990.

Decree Law 8034 of April 12, 1990 eliminated this tax reduction and established a prevailing tax rate of 30 percent of domestic and export earnings for tax year 1990 (the 1990 tax returns are filed in 1991). See, e.g., Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991). We consider this elimination to be a programwide change. Because it occurred prior to the issuance of these preliminary results and there are no residual benefits to the manufacturers/exporters of certain round shaped agricultural tillage tools, we have take this program-wide change into account in setting our cash deposit rate. Therefore, for purposes of the cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero for all firms. See Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, May 31, 1989) § 355.50(a)(1) and (2) at page 23385.

(2) Programs Not Used and Eliminated

We also examined the following programs and preliminary determine that the respondents did not use them during the period of review and that they have been terminated by the Government of Brazial:

A. CACEX Preferential Working Capital Financing for Exports. This program was terminated effective August 30, 1990, by Central Bank Resolution 1744.

B. Preferential Export Financing Under CIC-OPCRE 6–2–6 (formerly CIC-CREGE 14–11) of the Banco do Brasil.

As of September 20, 1988, interest rates applicable to these loans have been equal to those of market rate loans.

C. Reductions of Taxes and Import Duties under Decree Law No. 77.065 through BEFIEX and CIEX.

This program was eliminated effective April 12, 1990, by Decree-Law 8.032.

D. Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central de Brasil.

This program was terminated effective August 31, 1990, by Central Bank Resolution 1.744.

See, e.g., Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991) and Final Affirmative Countervailing Duty Determination; Steel Wheels from Brazil (54 FR 15523; April 18, 1989).

Therefore, for purposes of the cash deposit of estimated countervailing duties, we preliminarily determine the benefits from these programs to be zero for all firms. See countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, May 31, 1989) § 355.50(a)(1) and (2) at page 23385.

(3) Other Programs

We also examined the following programs and preliminary determine that the respondents did not use them during the review period:

A. Preferential Financing for Industrial Enterprises by the Banco do Brasil (FST and EGF loans).
B. Accelerated Depreciation for Brazilian-Made Capital Goods.
C. Preferential Financing under PROEX (Formerly under Resolution 68 and 509 through FINEX).
D. Preferential Financing under FINEP.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy

to be 0.05 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

Therefore, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Brazil for all firms exported on or after January 1, 1990 and on or before December 31, 1990.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of subject merchandise from Brazil entered, or withdrawn from the warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held within seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under § 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 25, 1992.

Marjorie A. Chorlins.

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7390 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Florida Keys National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Florida Keys National Marine Sanctuary Advisory Council notice of open meeting.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

DATE AND LOCATION: April 14, 1992 from 9 a.m. until adjournment. The meeting will take place at Buccaneer Resort, 2600 Overseas Highway, Marathon, Florida.

AGENDA:

1. Review of possible strategies to address resource problems and issues.
2. Review background assessment of affected environment.

PUBLIC PARTICIPATION: The meeting will be open to public participation and the last thirty minutes will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMTION CONTACT: Pamala James at (305) 743-2437 or Ben Haskell at (202) 606-4122.

Dated: March 26, 1992.

John J. Carey,

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 92-7368 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-01-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on April 8-9, 1992, at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA., telephone: 508-774-6800. The Council will begin its meeting at 10 a.m. on April 8. The meeting will reconvene on April 9 at 9 a.m.

The first day will begin with reports from: the Council Chairman, the Executive Director, the National Marine Fisheries Service, the Regional Director, the Northeast Fisheries Science Center liaison, the Mid-Atlantic Council liaison, and the representatives from the Department of State, the Coast Guard, the Fish and Wildlife Service and the Atlantic States Marine Fisheries Commission. Following the reports, the Groundfish Oversight Committee will hear a report from the Scientific & Statistical Committee, review the timetable for Amendment #5 and the public hearing document now being prepared for Amendment #5 to the Northeast Multispecies Plan. The Groundfish Committee will also give the Council recommendations on regulations in the Shrimp fishery. After completing the groundfish agenda items, there will be a report from the Interspecies Committee.

The second day of the meeting will concern reports from the Lobster and Scallop Oversight Committees.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231-0422.

Dated: March 25, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 92-7280 Filed 3-10-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, DOC.

ACTION: Request for Modification to Scientific Research Permit No. 717 (P77#44).

SUMMARY: Notice is hereby given that Dr. Howard Braham, Alaska Fisheries Science Center, NMFS, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Bldg. 4, Seattle, WA 98115, has requested a modification to Permit No. 717 pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Permit No. 717 issued October 22, 1990 (55 FR 43397), authorized the continuation of population monitoring and assessment programs, including movements, migration, feeding ecology, and the impact of sea lions-fishery interactions on San Miguel Island, CA.

This modification is requested to recapture pinnipeds a maximum of four times to remove instruments and replace those instruments with new instruments every 2–3 months.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this proposed modification should be submitted to the Assistant Administrator for Fisheries, NMFS, U.S. Department of Commerce, 1335 East-West Highway, room 7320, SSMC#1, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular proposal would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this proposed modification are summaries of those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connetion with the above are available for review, by appoinment, by interested persons in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, SSMC#1, room 7320, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, NOAA, 709 West 9th St., Federal Bldg., Juneau, AK 99802 (909/586–7233);

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150); and

Director, Southwest Region, NMFS, NOAA, 501 W. Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4001).

Dated: March 24, 1992.

Nancy Foster,

Director, Office of Protected Resources National Marine Fisheries Service.

[FR Doc. 92–7271 Filed 3–30–92; 8:45 am]

BILLING CODE 3510–22–M

Permits; Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, DOC.

ACTION: Modification of Scientific Research Permit No. 729 (P77#48).

Notice is hereby given that pursuant to the provisions of the Marine Mannal Protection Act of 1972 (16 U.S.C. 1361–1407), § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife (50 CFR parts 217–222), and the Conditions hereinafter set out, Scientific Research Permit No. 729, issued to The Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, CA 92038, on April 30, 1991 (56 FR 21121), is modified to change the sample design.

The original permit authorized radio tagging of thrity-five (35) Hawaiian monks seals (*Monachus schauinslandi*). Of these, twenty (20) were to be injected with a testosterone supressing drug. Five (5) were to be fitted with time-depth recorders (TDRs) and have blood samples taken, and then be recaptured one to two months later for a second blood sample and to retrieve the TDRs. An additional five (5) animals were to have been handled in the same manner, except that these animals were also to have received injections of testosterone supressing drugs. The final five (5) animals were to be fitted with radio transmitters only.

Permit No. 729 has been modified to reflect revisions to the sample design as follows: A total thirty (30) seals will be captured and have blood samples taken. Of these, twenty (20) will be fitted with radio transmitters and TDRs, and be recaptured one to two months later for a second blood sample and to retreive the TDRs. Ten of these twenty will be injected with a testosterone supressing drug. The remaining ten (10) will be captured once, to collect blood samples only. This modification became effective upon signature.

Documents pertaining to this Modification and Permit are available for review in the following offices:

By appointment: Office of Protection Resources, National Marine Fisheries Services, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

Marine Mammal Coordinator, Pacific Area Office, National Marine Fisheries Service, 2570 Dole Street, room 106, Honolulu, HI 96822 (808/955–8831).

Dated: March 24, 1992.

Nancy Foster,

Director, Office of Protected Resources National Marine Fisheries Service.

[FR Doc. 92–7272 Filed 3–30–92; 8:45 am]

BILLING CODE 3510–22–M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information; Survey of Households with Electric Heat Tapes

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a survey of households with electric heat tapes. The requested expiration date is April 30, 1993.

Electric heat tapes are used in crawl spaces and in the substructure of mobile homes, beach houses, mountain cabins, and other dwellings to prevent exposed water pipes from freezing during cold weather. Heat tapes are designed to be wrapped around or applied along pipes. They are plugged into an electric outlet and produce low levels of heat to keep pipes from freezing.

The Commission estimates that in 1989, about 2,600 fires associated with electric heat tapes resulted in approximately 20 deaths, 110 injuries, and about $25 million in property losses. In 1991, the Commission began a project to identify means by which risks of injury from fires associated with electric heat tapes might be reduced.

As part of that project, the Commission staff is assessing the effectiveness of three voluntary standards for heat tapes; evaluating warning labels and installation instructions which accompany heat tapes; and obtaining information about installation and use of heat tapes by the population in general and by households which have been involved in fires associated with heat tapes.

The Commission plans to survey approximately 1,000 households which use electric heat tapes to obtain information about the types of heat tapes currently in use; demographic characteristics of heat tape users; installation practices of heat tape users; and understanding and awareness of safety instructions and label warnings by heat tape users. The Commission staff will use the information obtained from this survey to carry out the activities related to reduction of risks of injury associated with heat tapes.

Additional Details About the Request for Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Heat Tape Exposure Survey.

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Persons who use electric heat tape in the household.

Total number of respondents: 1,000.

Number of responses per respondent: 1.1.

Hours per response: 0.524.

Total hours for all respondents: 576.

Comments: Comments about this request for approval of a collection of information should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone (202) 395–7340. Copies of the request for approval of a collection of information are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 26, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7386 Filed 3–30–92; 8:45 am]

BILLING CODE 6355–01–M

Notification of Request for Extension of Approval of Information Collection Requirements—Flammability Standards for Carpets and Rugs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through April 30, 1995, of information collection requirements in regulations implementing flammability standards for carpets and rugs. The regulations are codified at 16 CFR 1630 and 1631, and prescribe requirements for testing and recordkeeping by persons and firms issuing guaranties of products subject to the Standard for the Surface Flammability of Carpets and Rugs and the Standard for Surface Flammability of Small Carpets and Rugs.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Standard for the Flammability of Carpets and Rugs (FF 1–70), 16 CFR 1630 and Standard for the Flammability of Small Carpets and Rugs (FF 2–70), 16 CFR 1631.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of goods manufactured or imported.

General description of respondents: Manufacturers and importers of products subject to the flammability standards for carpets and rugs.

Estimated number of respondents: 120.

Estimated average number of hours per respondent: 532 per year.

Estimated number of hours for all respondents: 63,840 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7265 Filed 3–30–92; 8:45 am]

BILLING CODE 6355–01–M

Technical Advisory Group for Cigarette Fire Safety; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Technical Advisory Group for Cigarette Fire Safety will meet on April 16, 1992, in Washington, DC. The purpose of the meeting is to discuss current research to develop a test method to measure cigarette ignition propensity and matters related to implementation of the Fire Safe Cigarette Act.

DATES: The meeting will be from 9 a.m. to 4 p.m. on April 16, 1992.

ADDRESSES: The meeting will be in Courtroom B, International Trade Commission, 500 E Street SW., Washington DC.

FOR A RECORDED MESSAGE CONTAINING THE LATEST INFORMATION ABOUT THE TIME AND LOCATION OF THE MEETING CALL: (301) 504–0709.

FOR FURTHER INFORMATION CONTACT: Beatrice M. Harwood, Directorate for Epidemiology, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0470.

SUPPLEMENTARY INFORMATION: The Fire Safe Cigarette Act of 1990 (FSCA) (Pub. L. 101–352, 104 Stat. 405) directs the Commission, with assistance from the National Institute of Standards and Technology (NIST) and the Department of Health and Human Services, to conduct research concerning the feasibility of a performance standard to address the propensity of cigarettes to act as an ignition source. The FSCA also establishes an advisory committee, the Technical Advisory Group for Cigarette Fire Safety, to advise and work with the Commission and NIST in the implementation of that act.

The Technical Advisory Group for Cigarette Fire Safety will meet on April 16, 1992, to discuss current research to develop a test method to measure cigarette ignition propensity; the status of a cigarette fire incident study; plans to evaluate the possible health effect of cigarettes with reduced ignition propensity; and other administrative and operational plans to implement the FSCA.

The meeting will be open to observation by members of the public, but only members of the Technical Advisory Group for Cigarette Fire Safety may participate in the discussion. Persons who desire to submit written statements or questions for consideration by the Technical Advisory Group, before or after the meeting, should address them to the Technical Advisory Group for Cigarette Fire Safety, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7264 Filed 3–30–92; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 30, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 26, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Revision.
Title: Application and Continuation Application for Grants Under the Migrant Education Even Start Program (MEES) Operated by State Educational Agencies.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 60.
Burden Hours: 1,000.
Recordkeeping Burden:
Recordkeepers: 10.
Burden Hours: 40.
Abstract: This form will be used by State Educational Agencies to apply for funding under the Migrant Education Even Start Program. The Department uses the information to make grant awards.

Office of Postsecondary Education

Type of Review: Extension.
Title: Reporting and Recordkeeping Requirements for Paul Douglas Teacher Scholarship, Guaranteed Student Loan and PLUS Programs.
Frequency: Annually.
Affected Public: Individuals or households, State or local governments.
Reporting Burden:
Responses: 4,308.
Burden Hours: 1,077.
Recordkeeping Burden:
Recordkeepers: 50.
Burden Hours: 4,000.
Abstract: The reporting and recordkeeping requirements extend the time period for guarantee agencies to file suit against borrowers on defaulted Stafford Loans, Supplemental Loans for Students, PLUS, and Consolidation Program loans.

[FR Doc. 92–7331 Filed 3–30–92; 8:45 am]
BILLING CODE 4000–01–M

Recognition of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on agencies applying to the Secretary for renewal of recognition.

DATES: Commenters should submit their written comments by July 1, 1992 at the address below.

FOR FURTHER INFORMATION CONTACT: Karen Kershenstein, Chief, Accrediting Agency Evaluation Branch, U.S. Department of Education, 400 Maryland Avenue, SW. (room 3036 ROB–3), Washington, DC 20202–5171, Telephone: (202) 708–7417.

SUBMISSION OF THIRD-PARTY COMMENTS: The Secretary of Education recognizes accrediting agencies and State approval agencies for public postsecondary vocational education or nurse education institutions that are reliable authorities as to the quality of training or education offered by institutions within their scope of operation. The purpose of this notice is to invite interested third parties to present written comments on the agencies listed in this notice that have petitioned for continued recognition or that have submitted interim reports in response to the Secretary's request. Written comments will be considered by the Secretary and by the national Advisory Committee on Accreditation and Institutional Eligibility, which advises the Secretary of Education on the recognition of accrediting agencies, during its meeting in Fall 1992. The exact date of the Committee meeting will be announced in the **Federal Register** at a later date. The following agencies have applied:

Nationally Recognized Accrediting Agencies and Associations

Petitions for Renewal of Recognition

1. American Assembly of Collegiate Schools of Business, Accreditation Council (baccalaureate and master's degree programs in business administration and management, and baccalaureate and master's degree programs in accounting).

2. American Medical Association, Committee on Allied Health Education and Accreditation (as the coordinating agency for accreditation of allied health education programs) in cooperation with the following review committees:

a. Accreditation Review Committee for Educational Programs in Surgical Technology (programs for the surgical technologist).

b. Accreditation Review Committee of Education for Physician Assistants (programs for the physician assistant).

c. Committee on Accreditation of Specialists in Blood Bank Technology Schools, American Association of Blood

Banks (programs for the specialist in blood bank technology).

d. Curriculum Review Board, American Association of Medical Assistants' Endowment (one- and two-year medical assistant programs).

e. Accreditation Committee, American Occupational Therapy Association (professional programs).

f. Accreditation Review Committee for Perfusion Education (programs for the perfusionist).

g. Council on Education, American Medical Record Association (programs for the medical record administrator and medical record technician).

h. Cytotechnology Programs Review Committee, American Society of Cytology (programs for the cytotechnologist).

i. Joint Review Committee for the Ophthalmic Medical Assistant (programs of six months or longer for the ophthalmic medical assistant).

j. Joint Review Committee on Education in Diagnostic Medical Sonography (programs for the diagnostic medical sonographer).

k. Joint Review Committee on Education in Electroneurodiagnostic Technology (programs for the electroneurodiagnostic technologist).

l. Joint Review Committee on Education in Radiologic Technology (programs for the radiographer and radiation therapy technologist).

m. Joint Review Committee on Educational Programs for the EMT-Paramedic (programs for the emergency medical technician-paramedic).

n. Joint Review Committee on Educational Programs in Nuclear Medicine Technology (programs for the nuclear medicine technologist).

o. Joint Review Committee for Respiratory Therapy Education (programs for the respiratory therapist and respiratory therapy technician).

p. National Accrediting Agency for Clinical Laboratory Sciences (associate degree and certificate programs for the medical laboratory technician, programs for the histologic technician/technologist, and professional programs for the medical technologist).

3. American Podiatric Medical Association, Council on Podiatric Medical Education (colleges of podiatric medicine, including first professional and graduate degree programs).

4. Association of Theological Schools in the United States and Canada (freestanding schools, as well as schools affiliated with larger institutions, offering graduate professional education for ministry and graduate study of theology).

5. National League for Nursing, Inc. (programs in practical nursing, and diploma, associate, baccalaureate, and higher degree nurse education programs).

Interim Reports

1. Accrediting Council on Education in Journalism and Mass Communications (units within institutions offering professional undergraduate and graduate [master's] degree programs).

2. American Association of Bible Colleges, Commission on Accrediting (bible colleges and institutes offering undergraduate programs).

3. American Dietetic Association, Division of Education Accreditation/Approval (coordinated undergraduate programs in dietetics and post-baccalaureate dietetic internships).

4. Association for Clinical Pastoral Education, Inc., Accreditation Commission (basic, advanced, and supervisory clinical pastoral education programs).

5. Council on Naturopathic Medical Education, Commission on Accreditation (programs leading to the N.D. or N.M.D. degree).

6. National Association of Schools of Theatre, Commission on Accreditation (institutions and units within institutions offering degree-granting and/or non-degree-granting programs in theater and theater-related disciplines).

State Approval Agencies for Vocational Education

Petition for Renewal of Recognition

Arkansas State Board of Vocational Education

Interim Report

1. Missouri State Board of Education

State approval Agency for Nurse Education

Petition for Renewal of Recognition

1. Colorado Board of Nursing

PUBLIC INSPECTION OF PETITIONS AND THIRD PARTY COMMENTS: All petitions and interim reports, and those third party comments received in advance of the meeting, will be available for public inspection at the U.S. Department of Education, ROB-3, room 3036, 7th and D Streets, SW., Washington, DC 20202-5171. Telephone (202) 708-7417, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Deaf and hearing impaired individuals may call: The Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC area code, telephone 708-9300) between 8 a.m. and 7:00 p.m., eastern time.

Dated: March 25, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92-7330 Filed 3-30-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before April 30, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be

telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–576
3. 1902–0004
4. Report by Certain Natural Gas Companies on Service Interruptions
5. Extension
6. On occasion
7. Mandatory
8. Business or other for-profit
9. 8 respondents
10. 1.5 responses
11. 3 hours per response
12. 36 hours
13. The information collected is required to give the Commission sufficient data to oversee pipeline safety and continuity of service.

Statutory authority: Secs. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 25, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–7394 Filed 3–30–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP89–161–000]

ANR Pipeline Co. Tariff Filing Related to Settlement

March 25, 1992.

Take notice that ANR Pipeline Company (ANR) on March 20, 1992, tendered for filing as part of its FERC Gas Tariff, the following tariff sheets in pro forma format:

Effective April 1, 1992

First Revised Volume No. 1

Sheet No. 5
Sheet No. 6

First Revised Volume No. 1–A

Sheet No. 3
Sheet No. 4
Sheet No. 5
Sheet No. 6

Original Volume No. 2.

Sheet No. 16
Sheet No. 17
Sheet No. 18
Sheet No. 19
Sheet No. 20
Sheet No. 21
Sheet No. 22

Original Volume No. 3

Sheet No. 5

ANR also filed these same pro forma sheets (with different proposed rates) together with First Revised Volume No. 1–A pro forma sheet No. 6–A, all to be effective November 1, 1992. ANR states that in conjunction with ANR's filing of its March 10, 1992 settlement resolving rate case and restructuring issues on its system, certain parties were authorized, pursuant to Article I of the settlement, to submit revisions to their initial contract entitlements not later than March 16, 1992. ANR also maintains that the settlement further provides that ANR would incorporate such revisions to the contract entitlements in the design of the settlement rates and certificated service levels under Articles I, X and XX of the settlement and file such rate and tariff changes with the Commission on March 20, 1992.

ANR states that its March 20, 1992 filing was prescribed in these articles and that Appendices A and B of that filing include the revised rates and that Appendices, D, E and F of the filing support the development of the revised rates and contract entitlements.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7289 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–3–23–001]

Eastern Shore Natural Gas Co. Proposed Changes in FERC Gas Tariff

March 25, 1992

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on March 20, 1992 certain revised tariff sheet included in appendix A attached to this filing. Such sheet is proposed to be effective April 1, 1992.

ESNG states that the purpose of this compliance filing is to correct a pagination error in ESNG's original tracking filing of March 13, 1992 (Docket No. TM92–3–23–000). ESNG is "tracking" the revised fuel retention percentages from filing made by Transco on March 3, 1992 to be effective April 1, 1992.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–72–90 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA92–1–2–003 and TQ92–1–2–003]

East Tennessee Gas Co., Request for Waiver

March 25, 1992.

Take notice that on March 13, 1992, East Tennessee Natural Gas Company (East Tennessee) filed a request for waiver of certain requirements of

Commission orders dated February 24, 1992, and December 27, 1991, in Docket Nos. TA92-1-2 and TQ92-1-2. These orders directed East Tennessee to revise its quarterly and annual purchased gas adjustment (PGA) commodity gas rates to reflect a quarterly average projection of gas costs based on known and measurable changes in costs for each period.

In its annual PGA East Tennessee had based its commodity gas rate on the January 1992 spot futures price published in the October 29, 1991, McGraw-Hill "Gas Wire". In its quarterly PGA for the period October through December 1991, East Tennessee states it used projected December spot prices, in the hope of avoiding an out-of-cycle filing for the month of December 1991.

East Tennessee requests a waiver of the Commission's orders to revise its quarterly and annual PGA rates in the subject dockets, citing the excessive administrative burden entailed in filing four out-of-cycle PGA's for the prior periods. Because East Tennessee filed a "flex" PGA each month of the subject PGA periods, East Tennessee asserts that a refiling of its quarterly and annual PGA's in addition to the resulting out-of-cycle filings would be of no practical effect or benefit to East Tennessee's customers, since the actual cost of spot gas purchases for each month was reflected in each subsequent flex filing. East Tennessee also states that due to an oversight it must also request waiver for the two-day delay in filing this request.

Any person desiring to be heard or to protest the instant filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7291 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-182-000; CP92-415-000]

Florida Gas Transmission Co.; Transcontinental Gas Pipe Line Corp., Florida Gas Transmission Co.; Technical Conference

March 24, 1992.

Take notice that on April 2, 1992, at 10 a.m., the staff of the Federal Energy Regulatory Commission will convene a technical conference in the above captioned proceedings to examine the following issues as they relate to the pending certificate applications by Florida Gas Transmission Company and Transcontinental Gas Pipe Line Corporation.

So far the record suggests the following:

(1) In the Phase III application FGT proposes to construct and operate facilities to deliver up to 875,000 Mcf of natural gas per day to various delivery points in Florida.

(2) FGT has received customer commitments, in the form of executed long term firm service agreements, amounting to approximately 550,000 MMBtu/d. FGT has committed to amending the application on April 15, 1992, to reflect the lower demand.

(3) FGT and Transco have filed a joint application to expand Transco's existing section 311 pipeline in the Mobile Bay, Alabama area to include FGT as an undivided joint interest owner in the line.

Based on the above, the following issues will be discussed:

(a) Staff will indicate what further data FGT will be required to file with its amendment to bring the application in compliance with the Commission's current regulations.

(b) Parties will be given the opportunity to explain to FGT and to staff any problems which exist with the current application or which will be anticipated in the amended filing.

The Technical Conference will be limited to parties to the proceedings and the Commission Staff. Any person wishing to become a party to these proceedings must file a motion to intervene in accordance with Rule 214 of the Commission's rules of practice and procedure.[1] In addition, another technical conference addressing issues that may arise in the amended Phase III proposal may be held on a later date.

[1] 18 CFR 385.214.

For further information contact William C. Lansinger, Jr., at (202) 208-2082.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7292 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-143-000]

Great Lakes Gas Transmission Limited Partnership; Informal Settlement Conference

March 24, 1992.

Take notice that an informal settlement conference will be convened in this proceeding commencing on Thursday, April 2, 1992, at 10 a.m., and continuing through Friday, April 3, 1992. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of all issues raised in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact J. Carmen Gastilo at (202) 208-2182 or John P. Roddy at (202) 208-1176.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7293 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-109-001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 25, 1992.

Take notice that Northern Natural Gas Company (Northern) on March 20, 1992, tendered for filing to become part of Northern's FERC Gas Tariff Third Revised Volume 1, the following tariff sheets, proposed to be effective April 8, 1992:

Substitute Eighth Revised Sheet No. 52F.3
Substitute Fifth Revised Sheet No. 52F.3a
Substitute Third Revised Sheet No. 52F.12b

Northern states that such tariff sheets are being submitted in compliance with the Commission's Order issued March 6, 1992, in Docket No. RP92-109-000, to revise the tariff language proposing to implement a request fee for both new and pending firm transportation requests to: (1) Be effective April 8, 1992,

(2) compute interest pursuant to § 154.67 of the Commission's Regulations, and (3) clarify that the request fee will not be forfeited and the shipper will be permitted to retain its queue position when the tendered Service Agreement does not correspond to the shipper's service request.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7295 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-5-59-001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 25, 1992.

Take notice that Northern Natural Gas Company, (Northern), on March 20, 1992, tendered for filing changes in its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (Volume No. 1 Tariff) and Original Volume No. 2 (Volume No. 2 Tariff).

Northern is filing the revised tariff sheets which were originally submitted February 28, 1992 to adjust its Base Average Gas Purchase Cost in accordance with the Quarterly PGA filing requirements codified by the Commission's Order Nos. 483 and 483-A. The instant filing makes no changes in the rates established February 28, 1992 and therefore reflects a Base Average Gas Purchase Cost of $1.4759 per MMBtu to be effective April 1, 1992, through June 30, 1992.

The instant filing also establishes Demand rates in compliance with the above referenced PGA rulemaking which were also originally submitted February 28, 1992 and remain unchanged. Such required Northern to adjust its PGA demand rate components on a quarterly versus annual basis. This filing will establish a new Demand rate component of $6.808 per MMBtu. This rate will be effective April 1, 1992 through June 30, 1992.

Copies of the filing were served upon the company's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7294 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-27-001]

North Penn Gas Co.; Compliance Filing

March 24, 1992.

Take notice that North Penn Gas Company (North Penn) on March 18, 1992, tendered for filing supporting information in compliance with the Commission's Order issued February 18, 1992, in Docket No. TA92-1-27-000.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and state commissions shown on the attached service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to be proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7282 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-229-000]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

March 24, 1992.

Take notice that an informal settlement conference will be convened in this proceeding commencing on Thursday, April 9, 1992, at 10 a.m., and continuing through Friday, April 10, 1992. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of all issues raised in the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c) or any participant, as defined in 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Carmen Gastilo at (202) 208-2182 or Joanne Leveque at (202) 208-5705.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7296 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-447-000]

Public Service Co. of New Mexico; Filing

March 24, 1992.

Take notice that on March 19, 1992, Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92- 7297 Filed 3-30-92; 8:45 am]

BILLING CODE 6717- 01-M

[Docket No. ER91-446-000]

Public Service Company of NM; Notice of Filing

March 24, 1992.

Take notice that on March 19, 1992 Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining he appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7284 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-445-000]

Public Service Company of NM; Notice of Filing

March 24, 1992.

Take notice that on March 19, 1992, Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said failing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7283 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-312-014]

Texas Eastern Transmission Corp.; Amendment

March 25, 1992.

Take notice that on March 4, 1992, Texas Eastern Transmission Corporation (Applicant), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in Docket No. CP87-312-014 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to amend the certificate issued by the Commission on June 5, 1990 in Docket No. CP87-312-006, in order to request authorization for a relocation of the loop terminal to be located at the end of the 36-inch Eagle Pipeline loop and an extension of such pipeline loop, in Montgomery County, Pennsylvania, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Applicant states that the order issued by the Commission on June 5, 1990 in Docket No. CP87-312-006 authorized, as part of the Associated PennEast Customer Group (APEC) projects, Applicant to replace 5.25 miles of 20-inch diameter pipeline loop with 36-inch diameter pipeline in Chester and Montgomery Counties, Pennsylvania, and to terminate the loop on the East Bank of the Perkiomen River.

Applicant requests authorization to extend the loop segment and relocate the 36-inch pipeline loop terminal. Applicant indicates that the proposed loop terminal site would be located at M.P. 14.86 on the new 36-inch Line No. 2 in Montgomery County, Pennsylvania, 795 feet east of the originally authorized site located M.P. 14.70 on the 36-inch Line No. 2 in Montgomery County, Pennsylvania. Applicant states that, after reviewing a preliminary survey, Applicant discovered a discrepancy between the USGS quadrangle maps and the actual field topographical conditions. Applicant further states that the final 5.25 mile loop replacement was to extend across the Perkiomen Creek to the East Bank at M.P. 14.70. Applicant indicates that the USGS quadrangle maps did not accurately illustrate the Perkiomen Creek Overflow channel which is approximately 108 feet wide and extends to survey station 777 + 08. Applicant proposes to extend the 36-inch pipeline loop replacement and to shift the terminal location 795 feet east of the original location to M.P. 14.86.

Applicant estimates the cost of the additional facilities to be $223,000. It is stated that the facilities will be financed from funds on hand and funds generated from operations.

Applicant states that it is not proposing any changes to the initial rates authorized by the Commission. Applicant indicates that the facilities require construction in order to meet a commencement date for service authorized by November 15, 1992.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1992 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7298 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4119-3]

Solicitation of Proposals for the Environmental Protection Agency's Public-Private Partnerships Demonstration Program

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces that it is accepting proposals for their Public-Private Partnerships (P3) Demonstration Program. Proposals may be sent to EPA Regional offices from now until April 20, 1992.

SUPPLEMENTARY INFORMATION: Paying for environmental protection presents one of the major challenges of the 1990s. Public expectations for environmental protection continue to expand, despite increasing budgetary constraints and limitations on traditional funding sources.

The Public-Private Partnerships (P3) Demonstration Program assists state and local governments in financing their environmental programs by leveraging public and private resources. The goal is to develop and test environmental finance models and replicate them across the country.

The program funds drinking water, waste water, solid waste and air projects. In choosing proposals, EPA is looking for projects that test and demonstrate innovative ways to finance environmental services. Projects should involve private participation or investment.

Total funding available is $250,000. Eligible recipients include any interstate, intrastate, State and Local agency/organization/university, Federally-recognized Indian Tribal Government, public nonprofit organization or institution. Local governments representing communities at high environmental risks are encouraged to apply.

Potential recipients may apply for grants of not more than $50,000. Funds would be used to help the grantee put together the public-private partnership (P3) or final arrangement. Part of the funding must be used to document the results of the project so that it may be replicated by other communities. Grantees will be required to contribute at least 5% of the total cost of their project in dollars or in-kind goods/services. Funding would not be used to construct or design a facility. Cost sharing from participating communities is encouraged.

Projects will be selected based on the following criteria:

I. The project tests and demonstrates an innovative or alternative financing approach to address an important environmental problem.

II. The project demonstrates private involvement and/or private investment in the provision of environmental services.

III. The project helps one or more economically disadvantaged communities meet an environmental goal.

IV. The financing approach used can be replicated in many other communities.

V. The project requires EPA funding to assist the community in putting together the public-private partnership (P3) or financial arrangement. Funding would not be used to construct or design a facility. Funding could be issued to a non-profit organization in assisting the community in putting together the P3.

VI. The project start-up and completion is timely.

VII. The community elected or appointed officials and private sector partners strongly support the project.

VIII. The need for assistance is great.

IX. The funding for the project does not exceed $50,000.

X. Part of the grant funding is allocated to document the results of the project and to develop a "how-to guide" or other product suitable for transferring the lessons learned to other communities.

If you are interested in applying for this program, please contact the P3 Coordinator in your EPA Regional Office for a questionnaire and more information.

Name/EPA address	Regional office	Phone	States
Georeg Mollineaux JFK Federal Building, Boston, MA 02203	1	(617) 565-9442	ME, VT, NH, MA, RI, CT.
Janet Sapadin, 26 Federal Plaza, rm. 1714, New York, NY 10278	2	(212) 264-1925	NY, NJ.
Cathy Mastropieri, 841 Chestnut Building, Philadelphia, PA 19107	3	(215) 597-4149	PA, WV, MD, DE, VA, DC.
Tom Moore, 345 Courtland Street, NE., Atlanta, GA 30365	4	(404) 347-4728	GA, FL, NC, SC, MS, AL, TN, KY.
Louis Blume, 77 West Jackson Blvd., Chicago, IL 60604-3507	5	(312) 353-6148	IL, IN, OH, MI, WI.
Bob Carson, 1445 Ross Avenue, 12th Floor, suite 1200, Dallas, TX 75202-2733	6	(214) 655-6530	TX, NM, LA, OK, AR.
Ray Hurley, 726 Minnesota Avenue, Kansas City, KS 66101	7	(913) 551-7365	KS, MO, NE, IA.
Dave Wann (8PM/CBP), 999 18th St., suite 500, Denver, CO 80202-2405	8	(303) 293-1621	CO, WY, SD, ND, UT, MT.
Marsha Harris, 75 Hawthorne St., San Francisco, CA 94103	9	(415) 744-1635	CA, NV, AZ.
Matt Coco, 1200 Sixth Avenue, Seattle, WA 98101	10	(206) 553-0705	WA, OR, ID, AK.

Dated: March 25, 1992.

David Osterman,

Acting Director, Resource Management Division.

[FR Doc. 92-7378 Filed 3-30-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL 4119-1]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; ARCO Chemicals

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition reissuance.

SUMMARY: Notice is hereby given that a reissuance to an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to ARCO Chemicals, for the Class I injection wells located at Channelview, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by ARCO Chemicals, of the specific restricted hazardous waste identified in the petition reissuance, into the Class I hazardous waste injection wells at the Channelview, Texas facility specifically identified in the reissued petition, for as long as the basis for granting an approval of this petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued January 30, 1992. The public comment period ended on March 16, 1992. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 24, 1992.

ADDRESSES: Copies of the reissued petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Municipal Facilities Branch, EPA—Region 6, telephone (214) 655-7110, (FTS) 255-7110.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 92-7379 Filed 92; 8:45 am]

BILLING CODE 6560-50-1

[FRL 4118-9]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Ethyl Corporation, Magnolia, AR

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Ethyl Corporation, for the Class I injection wells located at Magnolia, Arkansas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Ethyl Corporation, of the specific restricted hazardous waste identified in the petition, into the Class I hazardous waste injection wells at the Magnolia, Arkansas facility specifically identified in the petition, for as long as the basis for granting an approval of the petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued October 17, 1991. A public hearing was held November 21, 1991. The public comment period ended on December 2, 1991, which was extended to January 15, 1992 due to public comment. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 24, 1992.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Water Supply Branch, EPA—Region 6, telephone (214) 655-7150, (FTS) 255-7150.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 92-7380 filed 3-30-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4119-2]

Science Advisory Board, Executive Committee, April 16-17, 1992; Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Science Advisory Board's (SAB's) Executive Committee, will conduct a meeting on Thursday and Friday, April 16-17, 1992. The meeting will be held in the Administrator's Conference Room, 1103 West Tower at the Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. It will begin at 8:30 a.m. and adjourn no later than 5 p.m. on each day.

At this meeting, the Executive Committee plans to review the following reports from its Committees: Commentary on microbial risk model (Drinking Water Committee); review of pollution prevention research and review of explosives and flammables (Environmental Engineering Committee); review of formaldehyde risk assessment (Environmental Health Committee); review of EMAP assessment (Ecological Processes and Effects Committee); commentary on asbestos program (Indoor Air Quality Committee); review of research on electric and magnetic fields, commentary on chemical and radiation risks, and review of home buyers/sellers guide (Radiation Advisory Committee); and review of social sciences research strategy, review of FY93 ORD budget, and recommendations for technical awards (Research Strategies Advisory Committee).

In addition, the Executive Committee has invited the following Agency personnel to address the following issues: Ed Martinko (EMAP); Robert Menzer (grants and centers program); Angela Nugent (study of the relations between SAB and the Office of Air and Radiation); Abby Pirnie (National Advisory Committee on Environmental

Policy and Technology); and Mike Slimak (Habitat/biodiversity initiative).

Old business includes consideration of Guidelines on SAB interaction with Agency and the public, membership issues, update on the report of the Expert Panel, and a letter to the Administrator on anticipatory research.

As time permits, new business will include discussion of candidate issues for the Agency's science agenda, propriety of privately funded recorders at SAB meetings, and Congressional bill S. 2134 that describes specific roles for the SAB in analysis of comparative risks of environmental problems.

The meeting is open to the public. Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee (A–101), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 260–4126 or by Fax at (202) 260–9232. Limited unreserved seating will be available at the meeting.

Dated: March 24, 1992.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92–7383 Filed 3–30–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–939–DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–939–DR), dated March 20, 1992, and related determinations.

DATED: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: Notice is hereby given that, in a letter dated March 20, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93–288, as amended by Pub. L. 100–707), as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms and tornadoes on March 9–10, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint J. Rolando Sarabia of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

The counties of Lauderdale, Sharkey, Washington, and Yalobusha for individual Assistance; and Lauderdale County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director Federal Emergency Management Agency.

[FR Doc. 92–7354 Filed 3–31–92; 8:45 am]

BILLING CODE 6718–02–M

Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Date of Meeting: May 2–3, 1992.

Place: National Emergency Training Center, National Fire Academy, G Building, Conference Room, Emmitsburg, Maryland.

Time: May 2, 9 a.m.–5 p.m., Quarterly Meeting, May 3, 9 a.m.–12 noon, Agenda Completion.

Proposed Agenda: Old Business, New Business, and Review of Budget.

The meeting will be open to the public with seating available on a first-come, first-serve basis. Members of the general public who plan to attend the quarterly meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (telephone number, 301–447–1117) on or before April 20, 1992.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Administrator's Office, U.S. Fire Administration, Federal Emergency Management Agency, 16825 South Seton Avenue, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: March 6, 1992.

Olin L. Greene,

U.S. Fire Administrator.

[FR Doc. 92–7356 Filed 3–31–92; 8:45 am]

BILLING CODE 6718–21–M

[FEMA–937–DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–937–DR), dated March 20, 1992, and related determinations.

DATED: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: Notice is hereby given that, in a letter dated March 20, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288, as amended by Pub. L. 100–707), as follows:

I have determined that the damage in certain areas of the State of Texas, resulting from severe storms and flooding beginning on March 4, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds

available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Brad Harris of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster:

Harris and Liberty Counties for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-7355 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-938-DR]

Major Disaster and Related Determinations; VT

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA-938-DR), dated March 18, 1992, and related determinations.

DATED: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated March 18, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Vermont, resulting from heavy rains, ice jams, and flooding on March 11, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of Section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Richard H. Strome of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Vermont to have been affected adversely by this declared major disaster:

The counties of Caledonia, Orange, Washington, and Windsor for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-7371 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Community Reinvestment Act Interagency Questions and Answers

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Interagency Questions and Answers Regarding Community Reinvestment

SUMMARY: The Consumer Compliance Task Force of the Federal Financial Institutions Examination Council (FFIEC) has adopted the Interagency Questions and Answers regarding community reinvestment. To help financial institutions meet their responsibilities under the Community Reinvestment Act (CRA) and to increase public understanding of the regulations and examination procedures, the staffs of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Office of the Comptroller of the Currency have prepared answers to the most commonly asked questions about community reinvestment. The answers to the questions should not be regarded as official interpretations. Their purpose is to provide useful information to agency personnel, financial institutions and the public.

EFFECTIVE DATE: March 25, 1992.

ADDRESSES: Federal Financial Institutions Examination Council, 1776 G Street, NW., suite 850B, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Debra D. Clements, Compliance Analyst, Federal Financial Institutions Examination Council, 1776 G Street, NW., suite 850B, Washington, DC 20006. Specific agency related questions should be directed to the following: Federal Reserve Board—Division of Consumer and Community Affairs (202) 452-2631; Federal Deposit Insurance Corporation—Office of Consumer Affairs (202) 898-3536; Office of Thrift Supervision—Specialized Programs (202) 906-6000; Office of the Comptroller of the Currency—Compliance Management (202) 874-4446.

SUPPLEMENTARY INFORMATION: For reader convenience, the entire set of questions and answers are reproduced.

1. What does the term "office" mean as used in the regulation?

Office refers generally to a facility of an institution that accepts deposits, including an electronic deposit facility. It does not include purely administrative offices, agencies, loan production offices or facilities used, for example, only for the check collection process. In delineating a local community, an institution need not consider shared electronic deposit facilities, unless otherwise directed by the appropriate agency.

2. What is meant by "local community" and how detailed a map should be used to portray it?

The term "local community" refers to the contiguous area surrounding each office or group of offices of an

institution. Although the geographic areas served by an institution may vary with the type of service, only one local community is to be delineated for a particular office or group of offices. Any map which depicts an institution's local community or communities with reasonable clarity may be used. The map need not show each street in the community, nor be prepared professionally by a cartographer. Low- and moderate-income neighborhoods should not be specifically indicated on the map. The community delineation, however, must not unreasonably exclude such neighborhoods. An institution may delineate several local communities on one map. However, each local community, comprising the entire community, must be delineated with sufficient clarity so that the areas included in those local communities are obvious. If the entire community is made up of more than a few local communities, or the local communities are separateed by significant distances, it may be easier and clearer to use a separate map for each local community. Furthermore, the locations of the institution's offices need not be shown on the maps.

3. How should an institution deal with low- and moderate-income neighborhoods in its local community delineation?

The CRA regulation requires that low- and moderate-income neighborhoods not be unreasonably excluded from a delineation of the local community. As the regulation states, "Institutions are expected to be generally aware of low- and moderate-income neighborhoods within their community, without undertaking extensive research. "No attempt need be made to distinguish between low-income neighborhoods and moderate-income neighborhoods. If institutions desire further information about low- and moderate-income neighborhoods, they should consult such sources as: the agencies' joint CRA examination procedures and state and local community development and planning agencies.

4. What should be included in a CRA statement?

For guidance, refer to the "Statement of the Federal Financial Supervisory Agencies Regarding the Community Reinvestment Act" (Federal Register, Vol. 54, No. 64, April 5, 1989). However, at a minimum, an institution's CRA statement must include for each local community:

- A map delineating that local community.
- A list of the types of credit it is prepared to extend in that community.
- A copy of the Community Reinvestment Act Notice provided for in the regulation. Also, an institution's board of directors must, at least annually, review each CRA Statement, and act on any material changes in a statement at the board's first regular meeting after the change. In addition, each institution is encouraged, but not required, in its statement to:

—Describe how its current efforts to help meet community credit needs.
—Report on its record of helping to meet community credit needs.
—Describe its efforts to ascertain community credit needs, including communication with community members.

5. How specific a list of credit offered in a local community is needed for the CRA Statement?

Each type of credit the institution is prepared to extend in its local community should be listed. The regulation indicates that greater specificity is desired for residential mortgage and housing rehabilitation loans and loans to small businesses and farms. In those general categories, subcategories, such as "residential loans for 1-to-4 dwelling units," "residential loans for 5 dwelling units and over," should be used.

6. If an institution is prepared to offer particular types of credit only at some of of its offices in a local community, should those types of credit be listed on the CRA Statements of all of its offices in that community?

Yes. Because the institution is willing to extend that type of credit to any creditworthy borrower in the community, the institution should list the types of credit on the CRA Statement of each office even though a prespective borrower at one office may be referred to another when seeking to make application. The institution should recognize, however, that public complaints may arise because of such practices; and the agencies will have to decide whether the practice significantly discourages applications for such credit or otherwise adversely affects the institution's CRA performance.

7. What is a "small" business or farm?

For CRA purposes, the term "small" refers to the absolute size of the business and farm rather than the relative size in their industries. Because a major concern of CRA is that all creditworthy borrowers have reasonable access to loans from banks and saving and loans, small businesses and farms generally are viewed as those which do not have access to regional and national credit markets and must rely on their local lending institutions for credit.

8. How should past and current CRA Statements and public comment files be made available to the public in each office of an institution, particulary an institution that has offices in more than one local community?

An institution that has offices in more than one local community should maintain current CRA Statements for all its local communities at its head office and current CRA Statements for each local community in each office of the institution in that local community, except off-premises electronic deposit facilities. Any CRA Statements that were in effect-during the past two years should be retained with the public comment letters in the public comment file. A comment file for the entire institution must be maintained at the head office, and a comments file pertaining to a particular local community must be retained at a designated office in that community.

9. Are all signed, written CRA comment letters to be placed in the public comment file?

The regulations state that the institution must put into a public file, all signed, written comments relating to the CRA Statement or to the institution's performance in helping to meet community credit needs. The only exception to this is comments which reflect adversely on the reputation of any person, or which would violate a law. The institution must use its own judgment in deciding which comments should be placed in the public file. Signed, written comments which might harm a person's reputation should be retained in a confidential file for inspection by the examiner.

10. If a letter is addressed in part to an institution's overall CRA performance, but contains information which is harmful to an individual or violates a law, should the institution withhold the entire letter from the public file?

The institution may do so. Alternatively, the statements which reflect adversely on an individual or violate a law may be deleted from the letter and the balance included in the public file. In any event, the entire original letter should be retained for inspection by the examiner.

11. When should comments about an institution's CRA Statement(s) or performance and/or the institution's response(s) be made public?

Any such signed, written comment that is placed in the public comment file will be available for inspection by any interested person and the CRA examiner. Comments received by a supervisory agency will be on file at the agency.

Those comments are available to the public and the financial institution unless exempted from disclosure under the Freedom of Information Act.

12. Must the institution respond to any or all comments received from the public?

There is no requirement that the institution respond. However, the institution may find it helpful to respond to certain comments to foster a dialogue with members of the community or to present relevant information to a regulatory agency. If any situation responds to a letter in the public file, the response must also be placed in that file, unless it reflects adversely on any person or violates a law.

13. Are there any requirements relating to the size and placement of the community Reinvestment Act Notice?

The notice must be placed in the public lobby of the financial institution but the size and placement may vary. For example, if the notice takes the form of a poster, the poster must be placed within the lobby where it will be seen by customers and be of sufficient size to be easily read from a normal distance. If the notice is provided in the form of a flyer, a supply of such flyers printed in easily-read type and placed where they will be noticed will suffice. The notice requirement may also be satisfied by making the CRA Statement, which includes the notice, available as a brochure in the lobby, where it will be noticed.

14. What information and avenue of communication are available to members of a community who are concerned about the performance of financial institutions in their community?

Financial institutions are being encouraged to communicate with members of their community. The CRA regulation requires financial institutions to make available to the public their CRA Statement. The statement contains a map showing the boundaries of the local community delineated by the institution and lists the types of credit that the institution is prepared to extend to members of the community. The statement also contains a copy of the "Public Notice" which must be placed in the offices of all financial institutions. The Public Notice states that the public may write to the financial institution or the appropriate regulatory authority about the institution's performance in helping to meet community credit needs.

Members of the community may also review letters from the public received by a financial institution regarding such performance. Announcements of CRA-covered applications may be obtained by writing to an institution's supervisory agency. Anyone may comment on the filing of an application covered by the CRA by writing to the appropriate supervisory agency listed either in the applicant's newspaper notice or its CRA notice. The agencies have varying comment periods for applications. Therefore, any questions about the comment period should be directed to the regional office of the appropriate agency. Comments received within the appropriate period will be considered by the agency in the application process.

15. Must an institution document that it is actually extending the types of credit listed in its CRA Statement as being offered in the local community?

The CRA regulations do not require any documentation beyond the public comment files. However, examiners will review:

- Information required to be maintained under any applicable fair housing regulations.
- Loan registers if required by the agency.
- Application files required to be kept under the Federal Reserve Equal Credit Opportunity regulation.
- Housing loan statements prepared under the Home Mortgage Disclosure regulation. Examiners will also use other available materials (such as advertising copy) to determine if the institution is offering in good faith to extend the types of credit that it has listed on its CRA Statement.

16. Will activities in addition to lending be considered in the CRA assessment?

Yes. Although the principal focus is on loans, the agencies recognize that other activities and efforts contribute toward the CRA's goals. The agencies will consider the extent to which an institution's activities foster local community revitalization-for example, the purchase of state or municipal bonds or involvement through investment or other contributions in a local community development project. The agencies also will consider activities such as:

- Efforts to establish a dialogue with community members concerning credit needs of the community.
- The institution's record of opening and closing branches and offering services (including noncredit services).
- Marketing and special credit-related programs to make community members aware of credit services offered at its offices.
- The extent of participation by the institution's board of directors in formulating policies and reviewing its CRA performance.

17. Will an institution's performance in helping to meet community credit needs be assessed even if an institution does not make an application covered by the CRA or is legally precluded from doing so?

Yes. Although The Congress directed that the approval or rejection of applications be used to encourage community investment by banks and S&Ls on a safe and sound basis, it also sought to have each supervisory agency use its examination "to encourage" institutions to be sensitive to their responsibilities to help meet local credit needs. As envisioned by the Congress, this effort by the agencies is to be ongoing and not limited to the formal applications process.

18. How will the agencies "encourage" institutions to help meet the credit needs of their local communities?

Encouragement will be provided in three ways. First, within the limits of the agencies' resources, their staffs will provide information and technical assistance and will meet with representatives of industry and the management of individual institutions to explain the CRA, regulations, and examination procedures. This exchange of information will help institutions to understand the purposes of the CRA and how the agencies plan to implement the act. Second, as part of each CRA examination, agency examiners and field staff will discuss with management their findings on the institution's CRA performance. Where appropriate, the agency staff may suggest ways in which the institution can improve its performance. Third, in decisions on applications, where CRA is a material factor, the agencies will publicly comment on an institution's record of performance.

19. Will an institution be given a poor CRA assessment for making loans outside its local community?

The agencies' assessment of an institution's performance will focus on

its record in helping to meet credit needs within its community. The act, implementing regulations, and examination procedures set no numerical criteria for the amount of loans that an institution should make within its local community or communities. If an institution is effectively helping to meet local credit needs, activities conducted outside its local community will not affect its CRA performance record.

20. May an institution use a policy of making certain loans only to existing customers, without adversely affecting its CRA assessment?

In examining an institution, the agencies will pay special attention to any restrictions placed on the availability of those types of credit that an institution has indicated on its CRA Statement that it would extend in its local community. Examiners will focus on whether any such institution has or would have a significantly greater impact on low- and moderate-income neighborhoods and/or classes of borrowers protected under the Fair Housing and Equal Credit Opportunity Acts than it does on the remainder of the community. In every case, examiners will consider:

- The business rationale for adopting a particular policy.
- Whether other policies would serve the same business purpose with less adverse impact.
- The relative ease of becoming a customer eligible for credit under the restriction.
- Whether the institution has adopted a policy of limiting certain loans to customers as a temporary response to tight money conditions or as a permanent policy.

Loans available on any restrictive basis should be listed on the CRA Statement with the restrictions noted. However, the agencies recognize that institutions occasionally make certain specialized loans to good customers-loans which they do not offer on a regular basis. This type of spot lending activity need not be listed on the CRA Statement.

21. In assessing an institution's CRA performance, will an examiner seek information outside of the institution being examined?

The examiner will seek such information if he or she believes that it is necessary to complete a fair and accurate picture of the institution's performance. For example, if the examiner believes that the institution's description of its community is unreasonable, the examiner may review the delineations of other, similar institutions in the community. In addition, contacts may be made with persons who have commented on an institution's performance, local officials, local business owners, community residents, real estate brokers, and others.

22. What sanctions are available to the agencies under the CRA?

A poor CRA performance record may result in denial of an application. The agencies may also use the full range of their enforcement powers to ensure compliance with the requirements of the CRA regulations, such as preparing a CRA Statement, maintaining public comment files, and providing the public notice. In addition, prohibited discriminatory or other illegal credit practices which are adverse factors under the CRA, will also result in sanctions under the Equal Credit Opportunity Act, federal fair housing laws, or other consumer credit protection laws.

23. Are applications for electronic deposit facilities covered by the CRA?

Generally, such applications are covered. The agencies have different rules regarding processing of applications for electronic deposit facilities, and institutions should, therefore, consult their supervisory agency before filing.

24. How are bank and savings and loan holding companies affected by the CRA?

The CRA applies to applications filed by holding companies to merge or to acquire commercial banks and savings and loan associations. When decisions on such applications are made, the Federal Reserve Board and the Office of Thrift Supervision will consider the CRA records of all the bank or S&L affiliates of the applicant holding company. The parent holding company need not prepare a CRA Statement or public notice, or maintain public comment files. The holding company must conform to the requirements of the regulation for media notices of applications files to acquire a bank or S&L.

25. How does the CRA affect applications by banks and S&Ls that are subsidiaries of holding companies?

Applications by a bank or S&L that is a subsidiary of a holding company will be treated by the agencies in the same way as those filed by any bank or S&L. Only the CRA record of the applying bank or S&L will be taken into account. The bank or S&L may request, however, that the agency consider the contribution of any of the bank's or S&Ls nondepository affiliates in helping to meet the credit needs of the community or communities of the applicant bank or S&L. For example, if the applicant bank or S&L has an affiliate community development corporation operating in the same community as the applicant, the applicant may ask that the contributions of that corporation in helping to meet the credit needs of the particular community be considered by the agency in assessing the overall CRA record of the applicant.

26. Banking agency CRA "Interpretation 101" (12 CFR 25.101, 12 CFR 228.100, and 12 CFR 345.101) excludes from CRA requirements certain institutions that serve solely as correspondent banks, trust companies, or clearing agents. Are there other federally regulated financial institutions that are excluded from the scope of CRA?

No. The CRA defines a "regulated financial institution" as one that meets the definition of an "insured bank" or an "insured institution," pursuant to section 3 of the FDIC Act. all such institutions are subject to CRA.

27. To what extent will a "regulated financial institution" which is subject to statutory and/or regulatory constraints that prevent it from operating as a "full service" financial institution be expected to meet CRA performance requirements?

The institution has an affirmative obligation to seek out ways consistent with its permitted activities to assist, directly or indirectly, in meeting the credit needs identified in its local community, with appropriate attention to low- and moderate-income neighborhoods. As indicated in the answer to Question 16 of this series, many services other than direct credit services can be developed to benefit the local community in a manner consistent with the intent of the CRA.

The CRA implementing regulations of the federal financial supervisory agencies include twelve factors to be considered in assessing CRA performance. Every institution's overall CRA performance record should compare favorably, consistent with its resources and capabilities, with the issues expressed through these twelve factors. A financial institution's inability to provide specific credit products or services because of statutory or regulatory limitations does not preclude a positive CRA performance evaluation.

An institution's board of directors should assure that CRA performance is an integral part of the institution's

business strategy. Expected compliance will include, at minimum, meeting the basic obligations to define a local community, to ascertain the credit needs within that community, and to demonstrate responsiveness, directly or indirectly, to the needs identified.

28. What do the regulatory agencies expect from institutions that have voluntarily limited or specialized their services to target particular markets?

Such an institution has the same continuing and affirmative obligation as a "full service" institution to help meet the credit needs of its entire local community, consistent with safe and sound operations. An institution's self-imposed service or market limitations may not be used as justification for a failure to define its local community or to help, directly or indirectly, in meeting the credit needs within that community, including low- and moderate-income neighborhoods.

Whether or not an institution operates as a "full service" entity is not a determining factor in evaluating its CRA performance. Every institution should be able to demonstrate that it is fulfilling its CRA responsibilities, either within the context of its chosen service specialties or in other ways. The final measure of CRA performance is in the credit benefits accruing to the institution's local community as a result of that institution's activities, irrespective of the vehicle by which those credit benefits are provided.

29. In addition to traditional direct lending activities, what activities can financial institutions consider in meeting obligations and responsibilities under the Community Reinvestment Act?

The answer to this question is primarily designed to provide guidance to regulated financial institutions that are not "full service" providers. The guidance herein can also be utilized by full service institutions as a means of augmenting their traditional lending activities as part of a comprehensive CRA program. Some of these activities may require prior regulatory agency approval.

The following are some nontraditional activities that financial institutions may consider to help meet their responsibilities under the Community Reinvestment Act.

Debt Investments and Related Securities

- Purchase of mortgage-backed securities or collateral trust notes from lenders or other community development finance intermediaries serving primarily low- and moderate-income areas or persons.
- Purchase of housing, community and economic development loans, or participations in loans or loan pools from other financial institutions, state and local government agencies, nonprofit community-based development corporations, community loan funds, or other community development intermediaries originating loans to help meet the needs of low- and moderate-income persons or small businesses.
- Purchase of government guaranteed loans (or participations in pools representing such loans) made to low- and moderate-income persons, or to small farm and small business owners, such as:

—SBA guaranteed loans or loan pools;
—FmHA guaranteed farm, business or housing loans;
—FHA guaranteed loans;
—EDA (U.S. Economic Development Administration) guaranteed loans;
—State housing or economic development agency guaranteed loans.

- Purchase of state and local government agency housing mortgage revenue bonds or industrial revenue bonds.

Equity Investments

Some activities to serve community credit needs may be carried out through certain federal and state supervisory agencies' programs to promote community development investments. Such investments are required to serve predominantly a public or community purpose. Activities that might be carried out directly by an institution under these programs include:

- Purchase of limited partnership shares to provide the equity financing for public purpose projects such as construction of low- and moderate-income housing or provision of small business seed capital. General partners could be quasi-public or private, for-profit or nonprofit organizations.
- Investment in the stock of a public purpose corporation, either for-profit or nonprofit, chartered to carry out activities to benefit low- and moderate-income areas and residents or small businesses.

For certain banks and holding companies, the formation of, or investment in, a community development corporation may, in accordance with applicable laws and restrictions, be a viable way to address certain credit needs in the communities of banks or holding company subsidiary banks.

Limited service or specialized banks in a holding company that own a community development corporation operating in the bank's community could take advantage of the CDC's activities in planning and executing its own CRA responsibilities. Activities that could be carried out through a community development corporation subsidiary include, for example:

- Acting as a general partner, joint venture partner and/or equity investor in projects that have a clear public purpose, particularly projects focused on assisting low- and moderate-income housing or small business, and on the redevelopment of deteriorating or blighted areas where private developers are not interested in the opportunities.
- Carrying out a program to provide needed technical assistance on financial matters to small businesses or public-purpose organizations.
- Financing and managing a public-purpose revolving loan fund to provide financing that cannot normally be provided through the private market. An example is a fund to lend monies for pre-development costs involved in evaluating and packaging projects for financing by financial institutions and/or public sector investors. An activity that could be carried out by the institution, directly or through establishment of a separate corporation is an investment in a wholly-owned or multi-bank/multi-investor Small Business Investment Company (SBIC) or Minority Enterprise Small Business Investment Company (MESBIC) licensed by the U.S. Small Business Administration.

Other Services and Activities

- Technical assistance to community-based nonprofit groups, state and local government agencies and community development finance and secondary market intermediaries which focus on helping to meet the credit needs of low- and moderate-income persons or areas, or small businesses. Examples of such technical assistance activities might include:

—Serving on the board of directors or loan review committee;
—Development of loan application and underwriting standards;
—Development of loan processing systems;
—Development of secondary market vehicles or programs;
—Marketing assistance, including development of advertising and promotions, publications, workshops and conferences;
—Training for staff and management;
—Accounting/bookkeeping services;

—Fund-raising, including soliciting or arranging investments;
—Consumer education to broaden knowledge and use of credit and deposit services.

30. When assessing CRA performance, do the regulatory agencies consider a financial institutions' lending, investment, development and general support activities outside of the institution's delineated community?

As indicated in question 19, assessment of an institution's performance under CRA focuses on its record in helping to meet credit needs within its delineated community. The agencies are aware, however, that financial institutions may organize, support, or use a wide variety of programs, organizational mechanisms or intermediaries that help finance such things as low- and moderate-income housing, small and minority businesses and other community projects on a statewide, regional or even national basis. Although these programs or mechanisms may be available to support loans and investments within an institution's delineated community, they often provide the bulk of their financial support in other geographical areas.

Under certain circumstances, the agencies will give positive consideration in assessing CRA performance for active participation by a financial institution in such programs and mechanisms, even where most or all of the financing provided may ultimately benefit low- and moderate-income borrowers or neighborhoods located outside of the institution's delineated community.

In determining whether and to what extent positive consideration will be given, the agencies assess the activities undertaken in the context of an institution's overall CRA program. Where such participation augments or complements an overall CRA program that is directly responsive to the credit needs in an institution's delineated community, it will be considered favorably in reaching an overall CRA conclusion. However, such activities and involvements will be insufficient to compensate for an otherwise deficient record of addressing the credit needs of an institution's delineated community.

Examples of such programs or intermediary organizations (other than traditional direct lending) are:

• Lending consortia or loan pools that provide community development financing and technical assistance for low- and moderate-income housing, small and minority business development, or other neighborhood revitalization projects;

• Multi-investor community development corporations;

• Limited partnerships or equity funds that invest in low- and moderate-income housing;

• Secondary market corporations and programs which explicitly target loans for low- and moderate-income housing, small and minority businesses, or small farms;

• Quasi-public housing, community development or economic development finance corporations in which state or local government agencies participate, often with financial institutions or other contributors;

• State bond programs for housing, community and economic development, or public infrastructure projects;

• Public or private intermediaries which provide loan guarantees or other credit enhancements used by financial institutions to support community development lending and investment.

• Capital investment, loan participation and other co-ventures undertaken with minority and women-owned financial institutions.

These and similar vehicles help institutionalize and support community development lending and investment. In general, they enhance the capacity of financial institutions to help meet community credit needs, including those of low- and moderate-income neighborhoods.

31. What effect would an institution's selling loans it has originated within its delineated community have on the institution's CRA performance?

The agencies have found that the sale of loans in the secondary market enhances CRA performance where such sales enable an institution to recycle funds for origination of additional loans within its delineated community.

Where loans are part of a comprehensive CRA program designed to ascertain and help meet credit needs within the institution's delineated community, such loans clearly help demonstrate CRA performance, whether or not they are ultimately sold on the secondary market. To ensure that appropriate consideration under CRA is given for loans sold, however, institutions should consider retaining information concerning when and where the loans were originated.

Dated: March 24, 1992.

Joe M. Cleaver,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 92-7186 Filed 3-30-92; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL MARITIME COMMISSION

Jacksonville Port Authority, et al.

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200468-002.

Title: Jacksonville Port Authority/ Marine Transportation Services Sea Barge Group Terminal Agreement.

Parties: Jacksonville Port Authority/ Marine Transportation Services Sea Barge Group, Inc.

Filing Party: Carl L. Timmer, General Traffic Manager, Jacksonville Port Authority, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

Synopsis: The amendment revises the amount of rent to be paid for the leased premises for the current leasing period.

Dated: March 25, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-7308 Filed 3-30-92; 8:45 am]

BILLING CODE 6730-01-M

Associated Container Transportation et al; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street,

NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200126–001.

Title: ACT–BSL–Columbus Line/Port of San Francisco Terminal Agreement.

Parties: Associated Container Transportation (USA) ("ACT"), Blue Star Pace, Ltd. ("Blue Star") Columbus Lines, Inc., San Francisco Port Commission.

Synopsis: The amendment recognizes ACT's assignment and transfer to Blue Star of all its rights and interest in the Agreement.

Agreement No.: 224–200635.

Title: L.A. Cruise Ship/Royal Viking Line Terminal Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("L.A. Cruise") Royal Viking Line ("Royal Viking").

Synopsis: The Agreement will permit Royal Viking to utilize terminal facilities and services provided by L.A. Cruise in the Port of Los Angeles.

By Order of the Federal Maritime Commission.

Dated: March 25, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7309 Filed 3–30–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Berkshire Financial Services; Formation of; Acquisition by; or Merger of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 92-2867) published at page 4632 of the issue for Thursday, February 6, 1991.

Under the Federal Reserve Bank of Boston, the entry for Berkshire Financial Services, Inc. is revised to read as follows:

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Berkshire Financial Services, Inc., Lee Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Lee Bank, Lee, Massachusetts, which engages in Massachusetts Savings Bank Life Insurance activities, and by acquiring 15 percent of the voting shares of Lee National Banc Corp., Lee, Massachusetts, and thereby indirectly acquire First National Bank of the Berkshires, Lee, Massachusetts.

Comments on this application must be received by April 14, 1992.

Board of Governors of the Federal Reserve System, March 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7313 Filed 3–30–92; 8:45 am]

BILLING CODE 6210–01–F

Carol G. Brooks, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 21, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Carol G. Brooks, to acquire 1.2 percent; Colin S. Brooks, to acquire 0.60 percent; Conley Brooks, to acquire 5.80 percent; Conley Brooks, Jr., to acquire 2.0 percent; David W. Brooks, to acquire 0.60 percent; Dwight F. Brooks, to acquire 4.01 percent; Dwight F. Brooks III, to acquire 2.81 percent; Edward A. Brooks, to acquire 0.60 percent; Edward Brooks, Jr., to acquire 4.41 percent; Katherine S. Brooks, to acquire 6.01 percent; Markell Brooks, to acquire 9.82 percent; Markell "K" Brooks, to acquire 3.61 percent; Marney B. Brooks, to acquire 3.81 percent; Sarah K. Brooks, to acquire 1.60 percent; Stephen B. Brooks, to acquire 1.60 percent; Stephen M. Brooks, to acquire 0.60 percent; Virginia D. Brooks, to acquire 2.40 percent; Jason Kiefer, to acquire 0.60 percent; Markell Kiefer, to acquire 0.60 percent; Marlo Brooks Root, to acquire 1.60 percent; Sarah Root, to acquire 0.60 percent; Jennifer Brooks Sykes, to acquire 1.40 percent; Bowen T. Walker, to acquire 0.40 percent; and Julie Brooks Zelle, to acquire 6.01 percent of the voting shares of Resource Companies, Inc., Minneapolis, Minnesota, and thereby indirectly acquire Resource Bank and Trust, Minneapolis, Minnesota.

Board of Governors of the Federal Reserve System, March 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7314 Filed 3–30–92; 8:45 am]

BILLING CODE 6210–01–F

Wesbanco, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 24, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Wesbanco, Inc., Wheeling, West Virginia; to acquire 100 percent of the voting shares of First National Bank of Barnesville, Barnesville, Ohio.

Board of Governors of the Federal Reserve System, March 25 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7315 Filed 3–30–92; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a two-day meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, April 16, 1992, and Friday, April 17, 1992, from 9 a.m. to 4 p.m. in room 121 of the National Building Museum, 401 F St., NW., Washington, DC (This meeting will be in lieu of the meeting previously scheduled and announced for April 9 and 10.).

The agenda for the meeting will consist of a review of the minutes of the March 18–19 meeting, a review of an exposure draft on Accounting for Tangible Property Other Than Long Term Fixed Assets of the Federal Government, review of an exposure draft on Uses and Objectives of Federal Accounting, a discussion on issues and options for unfunded liabilities, and a review of an analysis of comments on the exposure draft on Financial Resources, Funded Liabilities, and Net Financial Resources of Federal Entities. We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 401 F St., NW., room 302, Washington, DC 20001, or call (202) 504–3336.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: March 25, 1992.

Ronald S. Young,

Staff Director.

[FR Doc. 92–7312 Filed 3–30–92; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Renewal of GSA Business Advisory Board

Renewal of Advisory Board. This notice is published in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) and advises of the renewal of the GSA Business Advisory Board. The Administrator of General Services has determined that renewal of the board is in the public interest.

Purpose of Advisory Board. The fundamental purposes of the board is to provide a forum for discussion on key business and industry trends, emerging technologies and products, and other issues that may affect GSA's future policy and program formulation. Recognition of these issues and their implications is critical to cost-effective strategic planning.

Contact for Information. The Office of Business, Industry, and Governmental Affairs is the organization within GSA that is sponsoring this board. For additional information, contact Mary Ann Webster; Office of Business, Industry, and Governmental Affairs (AL); GSA; Washington, DC 20405; telephone (202) 501–4177.

Dated. March 20, 1992.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92–7321 Filed 3–30–92; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92D–0077]

Manufacture, Distribution, and Promotion of Adulterated, Misbranded, or Unapproved New Drugs for Human Use by State-Licensed Pharmacies; Compliance Policy Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide (CPG) 7132.16 entitled "Manufacture, Distribution, and Promotion of Adulterated, Misbranded, or Unapproved New Drugs for Human Use by State-Licensed Pharmacies." The CPG provides guidance to FDA district offices on when the manufacture, distribution, and promotion of adulterated, misbranded, or unapproved new drugs for human use by State-licensed pharmacies in a manner that is clearly outside the bounds of traditional pharmacy practice may be subject to enforcement actions alleging violations of the Federal Food, Drug, and Cosmetic Act (the act).

ADDRESSES: CPG 7132.16 may be ordered from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161. Orders must reference NTIS order number PB 92-147362 and include payment of $12.50 for each copy of the document. Payment may be made by check, moneyorder, chargecard (American Express, VISA, or Mastercard), or billing arrangements made with NTIS. Chargecard orders must include the chargecard account number and expiration date. For telephone orders or further information on placing an order, call NTIS at 703–487–4650. CPG 7132.16 is available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Center for Drug Evaluation and Research (HFD–313), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: FDA is issuing CPG 7132.16 to provide internal guidance to FDA district offices on when the manufacture, distribution, and promotion of adulterated, misbranded, or unapproved new drugs for human use by State-licensed pharmacies in a manner that is clearly outside the bounds of traditional pharmacy practice may be subject to enforcement actions alleging violations of the act.

Pharmacies engaged in promotion and other activities analogous to manufacturing and distributing drugs for human use in interstate commerce are subject to the same provisions of the act as manufacturers. This CPG identifies criteria for the district offices upon which the agency may, in the exercise of its enforcement discretion, initiate regulatory action against such entities. Regulatory action may include issuing a warning letter, seizure, injunction, and/or prosecution.

The statements made herein are not intended to create or confer any rights, privileges, or benefits on or for any private person, but are intended merely for internal FDA guidance.

Dated: March 24, 1992.

Gary Dykstra,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 92–7328 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92E-0063]

Determination of Regulatory Review Period for Purposes of Patent Extension; Biaxin®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Biaxin® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockvill, MD 20857.

FOR FURTHER INFORMATION CONTACT: John S. Ensign, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Biaxin®. Biaxin® (clarithromycin) is a broad spectrum antibiotic indicated for the treatment of infections of the upper and lower respiratory tract, as well as uncomplicated skin and skin structure infections. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Biaxin® (U.S. Patent No. 4,331,803) from Taisho Pharmaceutical Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated February 24, 1992, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Biaxin® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Biaxin® is 2,246 days. Of this time, 1,566 days occurred during the testing phase of the regulatory review period, while 680 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* September 6, 1985. The applicant claims September 5, 1985, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was September 6, 1985, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug and Cosmetic Act:* December 20, 1989. The applicant claims December 19, 1989, as the date the new drug application (NDA) for Biaxin® (NDA 50-662) was filed. However, FDA records indicate that the application was submitted on December 20, 1989.

3. *The date the application was approved.* October 31, 1991. FDA has verified the applicant's claim that NDA 50-662 was approved on October 31, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,464 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 1, 1992, submit to the Dockets Management Branch (address below) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 28, 1992, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1992.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 92-7319 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92E-0027]

Determination of Regulatory Review Period for Purposes of Patent Extension; Zithromax®

AGENCY: Food and Drug Administration, HHS

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Zithromax® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, room. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, fod additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 36 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Zithromax®. Zithromax® (azithromycin) is indicated for the treatment of individuals 16 years of age and older with various mild to moderate cases of respiratory and skin infections and sexually transmitted diseases. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Zithromax® (U.S. Patent No. 4,517,359) from Pliva Pharmaceutical, Chemical, Food and Cosmetic Industry, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated February 20, 1992, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Zithromax® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Zithromax® is 2,560 days. Of this time, 1,991 days occurred during the testing phase of the regulatory review period, while 569 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective*: October 28, 1984. FDA has verified the applicant's claim that the date the investigational new drug became effective was October 28, 1984.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act*: April 11, 1990. FDA has verified the applicant's claim that the new drug application (NDA) for Zithromax® (NDA 50–670) was filed on April 11, 1990.

3. *The date the application was approved*: November 1, 1991. FDA has verified the applicant's claim that NDA 50–670 was approved on November 1, 1991.

This determination of the regulatory review period established the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statuatory limitations in its calculations for the actual period of patent extension. In its application for patent extension, this applicant seeks 1,267 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 1, 1992, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 28, 1992, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rep. 857, Part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1992.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 92–7262 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee Meeting; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the agenda of a meeting of the Dermatologic Drugs Advisory Committee which is scheduled for April 9 and 10, 1992. This meeting was announced in the **Federal Register** of March 13, 1992 (57 FR 8879). The change is being made to add an additional item for discussion and to announce a minor change in location. There are not other changes. This amendment will be announced at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 13, 1992 (57 FR 8879), FDA announced that a meeting of the Dermatologic Drugs Advisory Committee would be held on April 9 and 10, 1992, at the Bethesda Holiday Inn, Versailles Ballrooms III and IV. On page 8879, column 3, the location for this meeting is amended to read as follows:

DATE, TIME, AND PLACE: April 9 and 10, 1992, 8:30 a.m., Bethesda Holiday Inn, Versailles Ballrooms II and III, 8120 Wisconsin Ave., Bethesda, MD.

On page 8880, column 1, the open committee discussion portion of the agenda is amended by adding a new paragraph at the end of this section to read as follows:

On April 10, 1992, FDA will make a presentation to the committee on the ongoing effort by the Office of Generic Drugs and the Division of Anti-Infective Drug Products to establish bioequivalence standards for topical corticosteroids. This topic is on the agenda for discussion to the Generic Drugs Advisory Committee meeting scheduled for April 24, 1992.

Dated: March 25, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-7318 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority; Freedom of Choice Waivers

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 55, No. 100, pp. 21255-21257, dated May 23, 1990) is amended to reflect various changes resulting from the transfer of the Freedom of Choice Waivers function from the Office of Medicaid Policy to the Medicaid Coordinated Care Office.

The specific changes to part F are as follows:

Section FM.20.A. is amended to reflect the addition of the microcomputer systems support and ADP resources management functions to the Executive Operations Staff responsibilities. The new section FM.20.A. reads as follows:

A. Executive Operations Staff (FM-1)

- Advises the Medicaid Bureau (MB) managers on organizational design and implementation; requests to establish positions; and delegations of management and program administration authorities.
- Establishes and implements integrated and coordinated MB work planning. Plans and monitors the execution of major Bureau program initiatives through the administration of the Bureau's work planning to ensure fairness and equity among components and to assure that measurable and verifiable outputs are provided.
- Interprets administrative budgetary policies and limitations and develops and issues guidelines and instructions to MB managers for budget formulation and execution. Executes the budget for the Bureau through the issuance of staff and dollar controls, budget allowances for administrative expenditures, and employment ceilings to Bureau components.
- Provides services and liaison with the Office of Budget and Administration related to procurement; space acquisition, utilization and management; telephone systems; records; publications; forms printing; and reprographics.
- Directs a Bureau-wide tracking and control system for legislation, regulations, instructions and correspondence; and provides training and technical assitance on standards for content of written documents.
- Serves as the focal point for the General Accounting Office and the Office of the Inspector General reports relating to MB; and coordinates other operational reviews of, and within, MB (e.g, internal control reviews).
- Provides Bureau support and represents MB on issues related to microcomputer systems.

Section FM.20.B. is amended to reflect the realignment of the freedom of choice waivers function with Medicaid managed care activities. The new section FM.20.B. reads as follows:

B. Medicaid Coordinated Care Office (FMA)

- Serves as the operational focal point for all Medicaid coordinated care activities.
- Formulates, evaluates and prepares policies, specifications for regulations, instructions, preprints, and procedures related to Medicaid coordinated care, including waivers.
- Makes recommendations for legislative changes to improve coordinated care program policy.
- Provides oversight of, and assistance to, State Medicaid agencies on all coordinated care issues, including Medicaid coordinated care contracting activities. Provides technical assistance to State regulators.
- Serves as the focal point and repository for State laws and regulations dealing with Health Maintenance Organizations (HMOs), group medical practice, insurance, licensing, foundations, service corporations, certificate of need, and reserve requirement statutes.
- Develops guidelines, policies, and procedures for use by the regional offices when reviewing and approving/disapproving State Medicaid agency contracts with prepaid health plans.
- Formulates and evaluates policies and procedures related to Health Maintenance Organizations (HMOs) and other prepaid contracts and freedom of choice waiver programs including the preparation of recommendations for waivers of freedom of choice and other State plan exception requirements; monitoring of approved Health Maintenance Organizations (HMOs) and other prepaid contracts and freedom of choice waivers and recommendations for the removal of waivers; State plan/waiver processing policy; and other related issues.
- Evaluates and assures the cost-effectiveness of approved Medicaid freedom of choice waivers through review of State program and cost reports, independent assessments, and regional compliance/validation reviews.

Section FM.20.D. is amended to reflect the drug rebate function and the deletion of the Programs Initiative Branch. The new section FM.20.D. reads as follows:

D. Office of Medicaid Management (FMC)

- Provides oversight, coordinates, and formulates the national Medicaid medical assistance and administrative costs budgets and justifications. Develops and maintains budget preparation and execution policies and procedures used by States and regional offices.
- Administers the State grants process for administrative and program payments including regional office disallowances.
- Develops and monitors Medicaid automated systems requirements, standards, procedures, guidelines, and methodologies. Directs review, evaluation, and assessment of the operation, development, and funding of Medicaid State agency automated systems, including the claims processing and information retrieval and integrated eligibility systems, and coordinates systems requirements for Federal programs such as Child Health Assurance, Child Support Enforcement, food stamps, and Aid to Families with Dependent Children.
- Provides oversight and coordinates the Medicaid State plan preprint process. Assists components in the development, publication, timely issuance to States, and maintenance of the master copy of State plan preprints.
- Provides oversight of planning, development, implementation, and monitors Medicaid program operations in regional offices and State Medicaid agencies including drug rebate program, Systematic Alien Verification for Entitlement System, national Medicaid eligibility quality control program, Medicaid Drug Use Review program, State claims processing and payment operations, and third party liability activities.

1. Division of Financial Management (FMC1)

- Provides oversight and coordinates the national Medicaid medical assistance and administrative costs budgets and justifications. Develops and maintains budget preparation and execution policies and procedures used by States and regional offices.

• Establishes policies and procedures by which Medicaid State agencies and regional offices submit quarterly budget estimates and reports and administers the State grants process for administrative and program payments.

• Reviews all State claims for Federal payment under Title XIX of the Social Security Act including regional office disallowances of State claims.

• Serves as the focal point for the defense of disallowance decisions before the Department Appeals Board.

• Provides oversight and manages the national State Performance Evaluation and Comprehensive Test of Reimbursement under Medicaid review process.

• Provides the definitive HCFA interpretation of Medicaid payment policy for administrative costs. Responsible for operational policies regarding availability of Federal Financial Participation (FFP), designation of appropriate FFP, rates, and for issuing interpretations to regional offices regarding operational FFP issues.

• Directs regional office financial reviews and audits of State agencies and oversees the Medicaid claims processing review activity.

• Provides oversight, administration, and maintenance of the Medicaid Budget and Expenditure System.

2. Division of Program Performance (FMC2)

• Develops, implements, and operates the national Medicaid eligibility quality control program to determine the effectiveness of Medicaid State agencies' performance in the area of eligibility determinations.

• Provides documentation and analysis necessary to initiate and support actions on disallowances, penalties, and corrective action requirements, and adjudication of appeals of disallowances and penalties.

• Develops, implements, and coordinates a system for reviewing the States' performance of the Income Eligibility Verification System (IEVS) requirements. Develops and interprets regulations and policies for States to establish IEVS.

• Develops, coordinates, and promulgates operational policy for utilizing the Systematic Alien Verification for Entitlement system.

• Provides expertise on sampling, precision, universe identification, and other technical statistical issues in support of the Medicaid quality control and assessment programs.

• Develops and promulgates policies and procedures for the proper maintenance, review, and approval of State plans and their amendments. Monitors State compliance to State plan and oversees the compliance process.

• Ensures adherence to all Automated Data Processing (ADP) security measures, policies, and procedures; assists with the development, modification, and review of HCFA ADP policies as they apply to Medicaid.

• Directs the Bureau's ADP activities relating to development, implementation, and administration of mainframe ADP systems programs.

• Provides oversight and coordinates the Medicaid State plan preprint process. Assists components in the development, publication, timely issuance to States, and maintenance of the master copy of State plan preprints.

• Develops procedures with the Social Security Administration concerning Medicaid eligibility operational issues such as transfer of resources, deemed Supplemental Security Income recipients and the State Data Exchange.

3. Division of Payment System (FMC3)

• Provides Bureau support in the development and implementation of new systems that interface with other HCFA components or involve mainframe computers.

• Develops the requirements, standards, procedures, guidelines, methodologies, and test criteria pertaining to the reviews, evaluation, and assessment of operations, development, and funding of State agency automation, claims processing and information retrieval and integrated eligibility systems to determine their compliance with published Federal requirements.

• Reviews State agency requests for Federal Financial Participation (FFP) in the costs of operating Medicaid claims processing, information retrieval systems, and development and operations of the integrated eligibility systems.

• Reviews State agency FFP requests for Medicaid Management Information Systems and interdepartmental integrated eligibility systems for approval.

• Plans, develops, and monitors systems requirements for Medicaid and coordinates systems requirements for related Federal programs such as Child Health Assurance, Child Support Enforcement, food stamps and Aid to Families with Dependent Children.

• Provides operational and systems support for implementation of the Medicaid drug rebate program. Maintains liaison with and provides technical assistance to drug manufacturers, Medicaid State agencies, pharmaceutical associations, private sector vendors and other parties regarding the drug rebate program. Prepares an annual report to Congress regarding drug product and expenditure information.

• Serves as the focal point for Medicaid third party liability, qualified Medicare beneficiary, and Drug Use Review operating instructions and policy guidance to Medicaid State agencies and regional offices.

• Coordinates with all State Medicaid agencies, in conjunction with HCFA regional offices, implementation of system coding and other changes related to the Medicare program's Physician Payment Reform initiative and other data initiatives such as common coding, uniform billing, and electronic media claims formats.

Section FM.20.E. is amended to reflect the realignment of the implementation and monitoring functions of the special initiatives, i.e., maternal child health, AIDS/HIV, etc. The new section FM.20.E. reads as follows:

E. Office of Medicaid Policy (FME)

• Formulates, evaluates and prepares policies, specifications for regulations, instructions, preprints and procedures related to Medicaid eligibility, coverage, and payment activities.

• Makes recommendations for legislative changes to improve program policy and ease of administration.

• Reviews State plan amendments and makes recommendations on approvals/disapprovals.

• Oversees, coordinates, processes and assesses the operation of State Medicaid Home and Community-Based Services Waivers.

1. Division of Eligibility Policy (FME2)

• Develops, interprets, and evaluates policies pertaining to all conditions under which recipients are eligible to have their health care services covered under Medicaid, the rights and responsibilities of recipients and applicants, and other special eligibility and technical issues.

• Evaluates the effect of proposed legislation on current eligibility policies and recommends specifications for new or proposed legislation on eligibility.

• Provides consultation regarding State plan amendments and waiver requests and prepares State plan disapproval actions.

• Prepares specifications for regulations, preprints and manual instructions pertaining to Medicaid eligibility policy.

• Serves as the operational focal point for the implementation of

Medicaid program initiatives, including Medicaid maternal and infant health and Early and Periodic Screening, Diagnostic, and Treatment activities, Human Immuno Virus/Acquired Immune Deficiency Syndrome, substance abuse; and provides technical assistance to States, regional offices, and other interested groups.

3. Division of Coverage Policy (FME4)

- Formulates and evaluates policies, regulations, instructions, and procedures related to Medicaid coverage activities. Prepares specifications for regulations, manuals, program guidelines, State plan preprints, and general instructions related to these areas.
- Provides interpretations of Medicaid coverage policies to regional offices, congressional staffs, other departmental offices, other Departments of the Federal Government, interest groups and State agencies.
- Develops, evaluates, and reviews all Medicaid coverage policies, regulations, and procedures.
- Develops, evaluates, and reviews policies, regulations, and procedures pertaining to States' requests for approval of waivers of Medicaid requirements to provide home and community-based services and makes recommendations whether the waivers should be approved or disapproved.
- Develops, evaluates, and reviews national coverage policies concerning Medicaid medical service contracts, interagency agreements, and prior authorizations.
- Reviews coverage related Medicaid State plan amendment requests.
- Identifies, studies, and makes recommendations for modifying Medicaid coverage policies to reflect changes in recipient health care needs, program objectives, and the health care delivery system.

Dated: March 24, 1992.

J. Michael Hudson,

Acting Administrator.

[FR Doc. 92-7334 Filed 3-30-92; 8:45 am]

BILLING CODE 4120-03-M

Statement of Organization, Functions, and Delegations of Authority; Office of Operations Support

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 52, No. 224, page 44637, dated Friday, November 20, 1987) is amended to reflect a change to the functional responsibilities of the Office of Operations Support (OOS). the specific change is to transfer the budget and administrative support functions from OOS to the immediate Office of Research and Demonstrations.

The specific amendments to part F are described below:

- Section FQ.20.B.3., is deleted in its entirety and replaced by a new functional statement that reads as follows:

3. Office of Operations Support (FQBC)

- Directs the research and demonstrations project grant, cooperative agreement and procurement program.
- Directs and plans ongoing research publications and information resources programs.
- Performs claims adjudication, payment, and data collection for demonstration projects.
- Participates with departmental components in a wide range of experimental health care delivery projects.
- Provides a setting for testing proposed policies and procedures which impact on fiscal intermediary operations and provides the capacity for serving specialized providers.
- Directs ORD's correspondence, tracking, and control system and responds to ORD's Freedom on Information requests.
- Coordinates the development of, and responses to, regulations related to ORD.

Dated: March 24, 1992.

J. Michael Hudson,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 92-7335 Filed 3-30-9; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Final Funding Preference for Grants for Centers of Excellence in Minority Health Professions Education

The Health Resources and Services Administration (HRSA) announces the final funding preference for fiscal year (FY) 1992 for Grants for Centers of Excellence (COE) in Minority Health Professions Education authorized under the authority of section 782 of the Public Health Service Act (the Act), title VII as amended by the Disadvantaged Minority Health Improvement Act of 1990, Public Law 101-527.

On January 27, 1992, this program was announced in the **Federal Register** (57 FR 3059). The 30-day public comment period on the proposed funding preference ended on February 26, 1992. The Department received comments from 5 respondents from Hispanic COEs. The comments are discussed below under the heading "Final Funding Preference for FY 1992." Comments on program aspects that were not specifically proposed for public comment are not addressed in this notice.

Final Funding Preference for FY 1992

Five commenters disagreed with the proposed funding preference. Comments from all 5 related to the need for additional funding by the established Hispanic COEs which they believed was a higher priority than the funding of new COEs. The goal of this funding preference is to achieve an equitable distribution of resources, both geographically and by eligible discipline. Established COEs can address the need for additional funding through the submission of competing application for supplemental funds. Therefore, the proposed funding preference will be retained as follows:

A funding preference will be given to approved applications scoring in the upper 40th percentile or better, submitted by schools located in states which do not currently have a Center of Excellence in that discipline.

The Program, Grants for Centers of Excellence in Minority Health Professions Education is listed at 93.157 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR CFR part 100).

Dated: March 26, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-7397 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-15-M

National Insitutes of Health

Prospective Grant of Exclusive Patent License

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a world-wide exclusive license to sell technology as research reagents embodied in U.S. Patent

Application Serial Number 07/430,049 "cDNA Encoding the Long Isoform of the D2 Dopamine Receptor" and U.S. Patent Application Serial Number 07/548,714 "cDNA Encoding the Rat D1, Dopamine Receptor Linked to Adenylyl Cyclase Activation and Expression of the Receptor Protein in Plasmid-Transfected Cell Lines" to Receptor Genetics, Inc. having a place of business at Gaithersburg, Maryland. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIH receives written evidence and agrument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The inventions relate to DNA clones coding for the long isoform of the human D2 dopamine receptor and DNA clones coding for the D1 dopamine receptor, the expressed receptors and cell lines expressing the receptors. Dopamine receptors are potentially important for drug screening. Drugs which activate these receptors (agonists) are used to treat Parkinson's disease, whereas drugs which block dopamine from binding to these receptors (antagonists) are used to treat schizophrenia and other mental disorders. Current drugs used for these purposes cause side effects due to a lack of receptor subclass specificity. By using subclass-specific dopamine receptors, it is not possible to select drugs which have increased receptor specificity and potentially fewer side effects.

The availability of these inventions for licensing was published in the Federal Register Vol 55, No. 205, p. 42752 (October 23, 1990) and Vol. 56, No. 42, p. 8986. Requests for a copy of the above identified patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Todd E. Leonard, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892 (telephone: (301) 496–0750; FAX: (301) 402–0220). Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: March 23, 1992.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 92–7306 Filed 3–30–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Office of the Assistant Secretary for Health Food, Agriculture, Conservation, and Trade Act of 1990, the National Laboratory Accreditation Program; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health on February 14, 1992, by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Commissioner of Food and Drugs the authorities under section 1322 (b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. S138a), as amended hereafter. This delegation excludes the authority to submit reports to the Congess.

Redelegation

This authority may be redelegated.

Effective Date

This delegation became effective on.

Dated: March 19, 1992.

James O. Mason, M.D.,

Assistant Secretary for Health.

[FR Doc. 92–7263 Filed 3–30–92; 8:45 a.m.]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N–92–3419; FR–3274–N–01]

Debenture Recall

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces a debenture recall of certain Federal Housing Administration debentures, in accordance with authority provided in the National Housing Act.

FOR FURTHER INFORMATION CONTACT: Richard Keyser, room 9138, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–1591. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 207(j) of the National Housing Act, 12 U.S.C. 1713(j), and in accordance with HUD regulations at 24 CFR 207.259(e)(3), the Federal Housing Commissioner, with approval of the Secretary of the Treasury, announces the call of all Federal Housing Administration debentures with coupon rates of 7½ percent or higher, except for those debentures subject to "debenture lock agreements," that have been registered on the books of the Federal Reserve Bank of Philadelphia, and are, therefore, "outstanding" as of March 31, 1992. The date of the call is July 1, 1992. To insure timely payment, debentures should be presented to the Federal Reserve Bank of Philadelphia by June 1, 1992.

The debentures will be redeemed at par plus accrued interest. Interest will cease to accrue on the debentures as of the call date. Final interest on any called debenture will be paid with the principal at redemption. During the period from the date of this notice to the call date, debentures that are subject to the call may not be used by a mortgagee for a special redemption purchase in payment of a mortgage insurance premium.

No transfer or denominational exchanges of debentures covered by the foregoing call with be made on the books maintained by the Treasury Department on or after April 1, 1992. This does not affect the right of the holder of a debenture to sell or assign the debenture on or after this date. Payment of final principal and interest due on July 1, 1992, will be made to the registered holder or assignee.

Instructions for the presentation and surrender of debentures for redemption will be provided to holders by the Department.

Dated: March 19, 1992.

Arthur J. Hill,

Assistant Secretary for Housing Federal Housing Commissioner.

[FR Doc. 92–7305 Filed 3–30–92; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Earth Observing System (EOS) Land Processes Distributed Active Archive Center (DAAC) Science Advisory Panel; Notice of establishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), 5 U.S.C. App. (1988). Following

consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the EOS Land Processes DAAC Science Advisory Panel.

The purpose of the Panel is to advise the U.S. Geological Survey, Earth Resources Observation Systems (EROS) Data Center in the definition, development, implementation, and operation of data processing, archiving, and distribution systems and associated science support capabilities required in its role as one of seven primary DAACs established by the National Aeronautics and Space Administration (NASA) as part of the EOS Program. EOS is a major component of the U.S. Global Change Research Program.

The Panel will be responsible for providing advice and consultation on a broad range of scientific and technical topics and for representing the interests and requirements of the scientific research community in guiding development of Land Processes DAAC systems and capabilities. Membership on the Panel will include representation by scientists formally affiliated with the EOS Program and by scientists who do not have such formal affiliation, including representation for the United States academic research community.

The Panel will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. The Charter will be filed under the Act, fifteen days from the date of publication of this notice.

Further information regarding the Land Processes DAAC Science Advisory Panel may be obtained from the Director, U.S. Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, Virginia 22092. Certification of establishment is published below.

Certification

I hereby certify that the establishment of the EOS Land Processes DAAC Science Advisory Panel is necessary and in the public interest in connection with the performance of duties undertaken by the Department of the Interior pursuant to the Memorandum of Understanding between the U.S. Geological Survey (USGS) and the National Aeronautics and Space Administration (NASA) for Experimental Land Remotely Sensed Data Processing, Distribution, Archiving, and Related Science Support. The U.S. Geological Survey is authorized to cooperate with NASA in developing and operating the Land Processes DAAC pursuant to the Organic Act of the U.S. Geological Survey of March 3, 1879 (43 U.S.C. 31) Section 101(h) of Public Law 99–591 (An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 10, 1987, and for other purposes.), 100 Stat. 3341, 3341–252; and NASA's section 203(c)(5) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(5)).

Dated: January 23, 1992.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 92–7267 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–31–M

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior (DOI).

ACTION: Notice of revision to the DOI Manual 516 DM 6—Appendix 5, Managing the National Environmental Policy Act (NEPA) Proces. Revised instructions for the Bureau of Land Management.

SUMMARY: This notice announces final revised procedures for implementing NEPA, 1969, within the Bureau of Land Management (BLM). The DOI is amending Manual 516 Section 6—Appendix 5, which lists BLM actions that normally require an Environmental Impact Statement (EIS) and BLM's list of actions that are normally categorically excluded from completing an Environmental Assessment (EA) or an EIS.

The revisions will delete a number of obsolete and potentially misleading references and will update the Manual, based on changing trends, laws, and public concerns since the previous Manual was published in 1983.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Deason, Director, Office of Environmental Affairs, Office of the Secretary, (202) 208–3891; or Paul Petty, Division of Planning and Environmental Coordination, BLM, (202) 653–8824.

SUPPLEMENTARY INFORMATION:

I. Background and Special Considerations

The BLM's previous procedures implementing NEPA (those being replaced by this release) were published in the **Federal Register** (FR) on September 26, 1983 (48 FR 43731). These most recent Manual changes revise Appendix section, 5.1 NEPA Responsibility, to reflect subsequent organizational changes in the BLM, update the list of related regulations in Section 5.2 Guidance to Applicants and revise sections 5.3 and 5.4 as summarized below:

Section 5.3, Major Actions Normally Requiring an EIS, differs from the 1983 list primarily as follows:

1. All court-ordered grazing EIS's have been completed and filed. Resource Management Plans (RMPs), and accompanying EISs, prepared in accordance with land use planning, the Federal Land Policy and Management Act and 43 CFR part 1600, now include livestock grazing. Consequently, it is no longer appropriate to list major grazing activity plans as normally requiring an EIS. Likewise, timber management plans have been deleted from the list as the BLM has filed all of the required timber management EIS's scheduled. As with grazing plans, forest management is also addressed in resource management plan EIS's, negating the need for a separate listing in the "Normally Require an EIS" section.

2. Issuance of coal preference right leases has been added to the list.

3. Proposals for wilderness, wild and scenic rivers and national historic trails have been added.

4. The size of the surface disturbance actions that normally require an EIS were changed, in some instances, to achieve consistency.

Although section 5.3 identifies those actions for which an EIS is usually required, it is important to note that actions not listed in 5.3 (such as a mine less than 640 ac.) also require an EIS if impacts are likely to be significant. The reader is reminded that if an EIS is considered not needed for an action listed as normally requiring an EIS in section 5.3, the EA must be available for at least a 30-day public review period (40 CFR 1501.4(e)(2)) before the action may begin.

Section 5.4, Categorical Exclusions, differs from the 1983 list in several respects:

1. A number of categorical exclusions (CXs) have been deleted to eliminate redundancy with the Departmental list (516 DM 2, Appx. 1).

2. Obsolete entries that are no longer appropriate for the CX list have been dropped. Those dropped include actions that are now being addressed in the EISs that BLM routinely prepares in association with resource management plans or in programmatic environmental documents.

3. Several CXs have been revised to remove unnecessary qualifiers or to more clearly specify the activity that is being excluded.

4. A number of new exclusions have been added.

5. The order in which the exclusions are presented has been changed.

Under established procedural requirements before any action described in this list of categorical exclusions is used, the exceptions (516 DM 2, Appx. 2) must be reviewed in each case to see if any apply. The action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA and/or an EIS.

The BLM's NEPA Handbook (H–1790–1, Chapter II) recommends that managers note in the decision records associated with case/project files or in other authorizing documents, when categorial exclusions have been used. The Handbook suggests a standard form for documentation.

The BLM list of categorical exclusions must always be used in conjunction with the Department's list of categorical exclusions (516 DM 2, Appx. 1)

II. Comments Received and DOI Responses

On November 17, 1989 (FR Vol. 54. No. 221 Page 47832), a notice of proposed revised instructions for the BLM was published in the **Federal Register** for public review. As a result of that notice comments were received from 7 respondents outside BLM. An explanation of changes made from the 11/17/89 release and why the changes were considered to be necessary follows. The preamble to the 11/17/89 notice explaining the rationale for revising the manual is not repeated here. For that description, please see FR Vol. 54, No. 221, Page 47832.

In the following discussion, CX numbers that appeared in the 11/17/89 notice of availability are cited first. The replacement number is then given. These new numbers will be used in the revised Manual (516 DM 6, Appx. 5), consistent with this notice.

516 DM 6—Appendix 5.3

(1) No change.

(2) "National trails" was changed to "National Historic Scenic Trails" for clarity in setting them apart from other types of trails.

(3–4) No change.

(5a) The word "major" was dropped since any of these types of development appearing on Federal land generally have the potential of causing significant impacts.

(5b) No change.

(6, now deleted) Withdrawal from mineral entry under the U.S. mining laws of 5,000 acres or more was deleted because the listing here would be a redundant requirement. The decision to withdraw lands must be consistent with the applicable resource management plan (RMP), management framework plan (MFP), or amendments thereto. The NEPA documentation for these planning documents, whether an EA or EIS, usually contains the appropriate analysis to accompany the decision to make the withdrawal. In those few instances where the resource management plan NEPA documentation is not sufficient, an EA or EIS as appropriate, is required by other existing regulations. Therefore, this listing is redundant and would lead to a meaningless document which would in almost all cases only cross reference to an existing EIS or EA that already fully complies with NEPA.

(7, now 6) No change.

(8, now deleted) This listing was deleted because the lead for making this determination is the Office of Surface Mining.

(9, 10, 11, now 7) This new entry entirely replace 5.3 (9, 10 and 11). The new entry makes comparable the size of the surface disturbance actions that normally requires an EIS. The new entry also encompasses all noncoal surface disturbance, making the entry all-inclusive.

The 640 acre figure was adopted so that all types of mining disturbances may be treated in a like manner. The reader is reminded that 5.3 lists actions that *normally* require an EIS. This listing does not preclude an EIS from being completed for smaller mines. Furthermore, the listing does not absolutely require an EIS for every mine over 640 acres if an EA is prepared that clearly indicates that there is a very low probability of significant impacts and the requirements of 40 CFR 1501.4(e)(2) are met.

(B) No change.

516 DM 6—Appendix 5.4

A. Fish and Wildlife

(1) No change.

(2) This categorical exclusion (CX) was changed by adding "minor" in response to a comment that BLM might seek to improve livestock grazing conditions in order to benefit wildlife habitat by excluding actions from NEPA documentation with this entry. Several examples were also added.

(3–4) No change.

(5) It was recognized that changing the species composition could cause a significant impact in some instances. Therefore, the introduction of new species has been excluded from this CX through modified wording of the CX, as requested in comments.

(6) This CX has been modified to eliminate actions that have the potential of causing significant impacts when the introduction of new species into an ecosystem are involved. BLM Manual sec. 6830 requires an EA for annual Animal Damage Control plans. Where possible, the relocation of nuisance and predatory animals would be covered in that plan in response to public concern.

(7) The words "on existing facilities" were added to limit the scope of this CX entry.

B. Fluid Minerals

(1) It is BLM policy that contingent right stipulations are not to be used for fluid mineral leasing. Therefore, the CX was dropped from the list. This change is in response to both internal and external comments received.

(2, now 1) No change.

(3, now 2) Concern was expressed that the referenced lease adjustments could include the addition of new land for development, operations or production. This CX was not changed because additional acreage cannot be added to existing oil leases.

Concern was also expressed that lease adjustments described in this CX might also include the alteration of environmental protection measures included in a lease. This would not happen because that process is separate and is completed by approving stipulation waivers, exceptions, or modifications. This process is described in 43 CFR 3101.1–4. The circumstances for granting a waiver, exception, or modification must be documented in a resource management plan or plan amendment. The plan or plan amendment would also identify the support documentation requirements and any public notification needs associated with granting a waiver, exception or modification.

(4, now 3) An example was added to clarify "minor".

(5, now 4) Drainage, underground gas storage and compensatory royalty agreements were added for clarity and completeness.

(6, now 5) Concern was expressed that this provision should be restricted to a certain time frame such as one year. It was decided to leave it as published in the 11/17/89, FR notice because the authorized officer of the BLM has the authority at any time to renew testing of wells where operations have been suspended on temporarily abandoned wells. Stipulations imposed for environmental reasons at the time of leasing or Application for Permit to Drill (APD) approval would be retained, as necessary, during the term of the suspension to assure environmental protection.

(7, now 6) "Operating reporting procedures" was dropped as an example.

(8, now deleted) This item is considered unnecessary. It is already covered by the Departmental Categorical Exclusion list (516 DM 2 Appx. 1.7)

Geophysical Exploration

Section B.2(b) and B.3(b) of the old CX list were deleted because much of the geophysical exploration activity, such as nonsurface disturbing activity, would be covered under the Department's CX List No. 1.6: "Non-destructive data collection * * *". However, where data collection, including geophysical exploration, is deemed to be of a "destructive nature", an EA or EIS would be required. Because of the wide variety of activity that can be considered "geophysical exploration", it is no longer listed as a categorical exclusion in and of itself.

C. Forestry

(1) Concern was expressed in one comment that size limits should be imposed and that the CX should not permit the construction of nurseries, seed orchards and progeny sites in existing or potential natural areas without completing an EA or EIS. The CX was not changed since it only pertains to actions "*in* forest tree nurseries, etc". The development of new sites for these purposes or the expansion of existing sites is not encompassed by this CX. It should be noted that the BLM presently has no existing or planned nurseries.

(2) Rights-of-ways was changed to "roads" so that the clearing of unapproved "paths" or "ways" would not be included on the CX list. The lack of a definition for "small groups" of trees was intentional because size is relative to where treatments occur. These adjustments were made in response to public comments.

(3) This provision applies only to reforestation activities. It does not include any type of harvest, or land conversion activities. Reseeding with exotic species would require an EA (BLM Manual sec. 1745). Furthermore, this CX does not include construction or improvement of roadways. Chaining was specifically excluded from the CX list in response to public comment. Other minor changes were made for clarity, including "non-toxic" big game repellant.

(4) "Brush control" was added for specificity, and to reflect the type of work actually done.

(5) The words "products", "seeds", and "personal use" were added for clarity as called for in public comments. "Cones" include both green and dry collections. "Outside established harvest areas" means areas presently not under contract.

D. Rangeland Management

(1) No comments were received concerning deleting "F.(1)" from the 1983 manual. The court ordered EIS and subsequent land use plans analyzed the issuance of term grazing permits and leases. There are regulations, which have been promulgated and analyzed (43 CFR 4110.1), that authorize the issuance of preference to qualified applicants. No change to the regulation is proposed when a transfer involves a modification in preference.

The CX entry, "Approval of transfers of grazing preference" was not changed from the 11/17/89 **Federal Register** version.

(2) The phrase, "providing no new road construction is needed"was added to clarify that the action would not be excluded if road construction were involved in the placement. Of course, motorized vehicle travel in areas closed to such use, such as in wilderness areas, would not be authorized by this exclusion.

(3–9) No change.

E. Realty

(1) This CX entry has not been changed. In response to a comment, the analysis to determine whether the recommended proposed action should be to terminate the withdrawal or to continue the withdrawal, and if so, for how long, is one of the first steps in reviewing a withdrawal, and it would have already taken place. The recommended proposed action is then analyzed to determine if it qualifies as a CX or if an EA or EIS would be required. If there will be no change in segregative effect, there would be no new uses, either harmful or beneficial to the environment.

(2) This CX has been revised because it applies to land withdrawal or land classifications actions where lands are not being opened or closed to the general land laws, etc. State indemnity selection is one of the general land laws.

(2–3) These items exclude revocations, terminations, extensions, or modifications from their respective categories, but none of these categories include opening lands to the operation of the 1872 Mining Law. An existing CX which encompasses land being opened to the operation of the 1872 Mining Law has been deleted.

(2, 11, 18, 22, now 2, 12, 19, 22) Concern was expressed that these CX items are too broadly worded. If there is no change in segregative effect, there would be no new uses, either harmful or beneficial to the environment, which could not have taken place before the segregative effect changed. This CX continues to cover instances involving revocations or terminations of withdrawals on lands which have passed from Federal ownership or where several withdrawals overlap and one is removed, leaving another withdrawal of equal or greater segregative effect to protect the land.

(3) This change was made to make it clear that prior to implementing any of the listed actions without completing an EA or EIS, a RMP must be in place and the proposed actions must be described in the plan and covered by it's associated EIS or EA. If a RMP/EIS or RMP/EA has not yet been completed for the lands in question, the items listed would not be categorically excluded and either an EA or an EIS would have to be completed. Listed actions taking place on unplanned lands (or lands covered by a MFP not yet updated by RMP) would not be categorically excluded.

Concern was expressed that the opening of land to the operation of the public land laws, such as State indemnity selections, would or could have significant effects and should not be categorically excluded. In response to this comment, it should be pointed out that the opening of land to operation under the public land law would have no environmental effect upon the land in and of itself. The mere opening of land to the operation of the public land law is not the final point of resource commitment. Only if and when a State applies for an indemnity selection would there be the possibility of an effect on the environment. At that point, an EA (or an EIS if appropriate) would be required.

(4, now deleted) It was decided, in consultation with the Council on Environmental Quality, to drop this item from the list of categorical exclusions. The CX list is only for actions that "do not individually or collectively have a significant effect on the human environment" (40 CFR 1508.4, in part). Actions that the Secretary is required by law to take may still have significant environmental consequences, thus, do not fit the CX definition and would be inappropriate to list.

Nevertheless, the actions described in this entry, if truly nondiscretionary, are still not subject to NEPA documentation. NEPA documentation relative to mandatory actions, such as those described here, would serve no purpose and are thus not required. The purpose of an EA or EIS is to analyze alternative

courses of action relative to the environmental impacts associated with each alternative and to use this information in helping to make reasoned decisions. If the Secretary has no choices to make, the documents would serve no function.

(5, now deleted) This CX entry was also dropped for largely the same reasons as E.4. above. Nondiscretionary land actions pursuant to the Alaska Native Claims Settlement Act and other acts listed in the former CX might still cause significant impacts and thus are not an appropriate CX entry. As with E.4., however, this does not necessarily mean that an EA or EIS has to be completed relative to these land actions. Where these BLM actions are nondiscretionary, an EA or EIS in not required.

(6, now 4) Prior to Alaska statehood, the Federal Aviation Administration (FAA) appropriated Federal lands in Alaska for airport purposes. FAA is transferring jurisdiction and title of these facilities to the State of Alaska. Since the action is one of title transfer and not construction, it may be categorically excluded. Wording of the CX was modified to clarify this point.

(7, now 5) In response to public comment, we agree that private interest and use must be considered if there are mineral values in the property. By limiting the CX to those actions where there are "no known mineral values in the land", then any conveyance of mineral interests that may involve surface development will require NEPA documentation.

(8–10, not 6–8) No change.

(11, now 9) One respondent contended that Memorandums of Understanding (MOUs) are entered into with counties so that a future decision will be made as to whether the MOUs will be reinstated or not. When these MOU reinstatement decisions are made, the public should be able to challenge BLM's decision to impact the environment during the associated EA/EIS process. The authority was cited as 111 IBLA 207.

In response, 111 IBLA 207 does not address the legality of the MOU; rather, the decision finds that "the record does not support a finding there is such a road within the permitted area of travel." The decision allows for "administrative concern" to require inquiry into the status of a claimed R.S. 2477 right-of-way grant. Further, 111 IBLA 207 addresses R.S. 2477 grants, which are rights established by counties and states prior to the Federal Land Policy and Management Act (FLPMA). The BLM action on R.S. 2477 roads is limited to making a determination as to whether the right existed prior to the FLMPA. The BLM issues no authorization on these roads; therefore, they are not subject to renewal or assignment. Since this CX addresses only renewals and assignments of rights-of-way that the BLM has authority to issue, R.S. 2477 roads and 111 IBLA 207 do not apply.

(12–13, now 10–11) No change.

(14, now 12) The CX revision is in response to public comment that many existing rights-of-way have never been developed, and some of these are pre-NEPA. To allow the development of new rights-of-way within such areas could involve extensive new disturbance in currently undisturbed area without the benefit of any NEPA consideration.

(15–18, now 13–16) No change.

(19, now 17) Concern was expressed that there was nothing to prevent the placement of a utility line across great distances using a CX. The CX has been modified to preclude this possiblility.

(20, now deleted) As a result of the change in 19, the entry is no longer necessary.

(21, now 18) No change.

(22, now 19) As with any categorically excluded item, there may be exceptions where an EA or EIS should be completed (516 DM 2.3(3)). If any of the exceptions apply to the proposed action, environmental documentation would be required.

(23, now 20) No change.

F. Solid Minerals

(1 and 2) These lands are already in production and are producing under a set of stipulations or operating procedures that are designed to protect the environment and assure appropriate reclamation following abandonment. All changes from the original plan of operation must be supported by documented circumstances for granting a waiver, exception or modification. The plan or plan amendment should also identify the support documentation requirements and any public notification needs.

(2) The word "adjustments" was changed to "readjustment renewals" for clarity.

(3–4) No change.

(5) This entry was deleted from the BLM list of categorical exclusions because administrative actions of this nature are already covered in the Departmental Categorical Exclusion list (516 DM 2 Appx. 1.70).

(6–7, now 5–6) No change.

(8, now 7) Salable and locatable were added to leasable for consistency and clarity. An example was added to clarify "Minor".

(9, now 8) Examples were added for clarity.

(10–11, now 9–10) Riparian areas have been excluded from these CX's in response to comments. For purposes of these entries, a riparian area is defined as follows:

> An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependant upon free water in the soil (BLM's 1987 policy statement on riparian area management).

Floodplains, wetlands and environmentally sensitive areas are further protected by other Federal and State permit specifications and by requirements of the Fish and Wildlife Coordination Act. In addition, the reader is reminded that the Department Manual (516 DM 2, Appendix 2) describes Exceptions to Categorical Exclusions. This list delineates several unique and fragile areas that, if adversely affected, would be inappropriate for categorical exclusion.

G. Transportation and Signs

(1) This CX is restricted to the placement of existing roads on the Bureau's transportation plan when no new construction or upgrading is needed. Whether the existing roads are properly defined or designated on maps for ORV usage, should in no way affect whether or not the road is placed or removed from the Bureau's transportation plan, as long as the road existed and no new construction or upgrading is being done. For this reason, no changes were made to the CX list.

(2–4) No change.

H. Other

(1) No change.

(2) For clarification, this CX covers the acquisition of existing water structures on public lands through purchase, gift or by trade. It does not apply to the acquisition of water rights.

(3) This entry has been expanded to include "site characterization studies and environmental monitoring," for added clarity. It has also been modified with the words "small monitoring devices such as wells, particulate dust counters and automatic air or water samplers" to more clearly define the intent and limits of the CX listing.

(4) The words "within the same work season" were added in response to public concern about lack of a time frame.

(5) The editorial error of "trails" was corrected to "trials."

(6) The CX was restricted to a single trip in a one month period, because repetitive trips could have the impact of causing a road to be established without NEPA documentation. The change was made in response to comments received. The word "drilling" was dropped since it would, when appropriate for CX listing, already be covered under "data collection or observation sites."

(7) No change.

(8) The word "minor" was added to limit the scope of this CX listing. As a point of clarification, this CX is not to be used for major new construction projects such as new bridges or major road realignments.

(9) No change.

(10) This CX was rewritten to clarify that the subject action often involves trespass resolution. Also, "non-valuable, recent" was dropped as being unnecessarily restrictive. These changes were made in response to comments received.

(11) This CX, formally pertaining to all Federal agencies, now concerns only DOI agencies. This change was made because the Department review process for categorical exclusions is similar within DOI. Non-DOI agencies may be less restrictive than DOI or use substantially different standards, leading to serious discrepancies.

(12) No change.

Dated: March 16, 1992.

Jonathan P. Deason,

Director, Office of Environmental Affairs, Office of the Secretary, U.S. Department of the Interior.

Appendix 5—Bureau of Land Management

5.1 NEPA Responsibility

A. *The Director/Deputy Director* are responsible for National Environmental Policy Act compliance for Bureau of Land Management activities.

B. *The Assistant Director, Support Services,* is responsible for policy interpretation, program direction, leadership, and line management for Bureau environmental policy, coordination and procedures.

(1) *The Division of Planning and Environmental Coordination (P&EC)* which reports to the Assistant Director, Support Services, has Bureauwide environmental compliance responsibilities. These reponsibilities include program direction for environmental compliance and ensuring the incorporation and integration of the NEPA compliance process into Bureau environmental documents.

C. *The Assistant Directors, Renewable Resources, Energy and Minerals Resources, and Management Services* are responsible for cooperating with the Assistant Director, Support Services, to ensure that the environmental compliance process operates as prescribed within their areas of responsibility. This includes managing and ensuring the quality of environmental analyses, assigned environmental documents and records of decisions.

D. *The State Directors* are responsible to the Director/Deputy Director for overall direction and integration of the NEPA process into their activities and for NEPA compliance in their States. The P&EC unit provides major staff support and is the key focal point for NEPA matters at the State level.

(1) *The District Managers* are responsible for implementing the NEPA process at the District level. The P&EC unit provides major support and is the key focal point for NEPA matters at the District level.

(2) *The Area Managers* are responsible for implementing the NEPA process at the resource area level.

5.2 Guidance to Applicants

A. *General.* (1) Applicants should make initial contact with the line manager (Area Manager, District Manager or State Director) of the office where the affected public lands are located.

(2) If the application will affect responsibilities of more than one State Director, an applicant may contact any State Director whose jurisdiction is involved. In such cases, the Director may assign responsibility to the Headquarters Office or to one of the State Offices. From that point, the applicant will deal with the designated lead office.

(3) Potential applicants may secure from State Directors a list of program regulations or other directives/guidance providing advice or requirements for submission of environmental information. The purpose of making these regulations known to potential applicants, in advance, is to assist them in presenting a detailed, adequate and accurate description of the proposal and alternatives when they file their application and to minimize the need to request additional information. This is a minimum list and additional requirements may be identified after detailed review of the formal submission and during scoping.

(4) Since much of an applicant's planning may take place outside of BLM's planning system, it is important for potential applicants to advise BLM of their planning at the earliest possible stage. Early communication is necessary to properly conduct our stewardship role on the public lands and to seek solutions to situations where private development decisions may conflict with public land use decisions. Early contact will also allow the determination of basic data needs concerning environmental amenities and values, potential data gaps that could be filled by the application and a modification of the list or requirements to fit local situations. Scheduling of the environmental analysis process can also be discussed, as well as various ways of preparing any environmental documents.

B. *Regulations.* The following partial list provides guidance to applicants on program regulations which may apply to a particular application. Many other regulations deal with proposals affecting public lands, some of which are specific to BLM while others are applicable across a broad range of Federal programs (e.g., Protection of Historic and Cultural Programs—36 CFR part 800).

(1) Resource Management Planning—43 CFR 1610;

(2) Withdrawals—43 CFR 2300;

(3) Land Classification—43 CFR 2400;

(4) Disposition: Occupancy and Use—43 CFR 2500;

(5) Disposition: Grants—43 CFR 2600;

(6) Disposition: Sales—43 CFR 2700;

(7) Use: Rights-of-Way—43 CFR 2800;

(8) Use: Leases and Permits—43 CFR 2900;

(9) Oil and Gas Leasing—43 CFR 3100;

(10) Geothermal Resources Leasing—43 CFR 3200;

(11) Coal Management—43 CFR 3400;

(12) Leasing of Solid Minerals Other than Coal/Oil Shale—43 CFR 3500;

(13) Mineral Materials Disposal—43 CFR 3600;

(14) Mining Claims Under the General Mining Laws—43 CFR 3800;

(15) Grazing Administration—43 CFR 4100;

(16) Wild Free-Roaming Horse and Burro Management—43 CFR 4700;

(17) Forest Management—43 CFR 5000

(18) Wildlife Management—43 CFR 6000, and

(19) Recreation Management—43 CFR 8300.

5.3 Major Actions Normally Requiring an EIS

A. The following types of Bureau actions will normally require the preparation of an EIS:

(1) Approval of Resource Management Plans.

(2) Proposals for Wilderness, Wild and Scenic Rivers, and National Historic Scenic Trails.

(3) Approval of regional coal lease sales in a coal production region.

(4) Decision to issue a coal preference right lease.

(5) Approval of applications to the BLM for major actions in the following categories:

(a) Sites for steam electric powerplants, petroleum refineries, synfuel plants and industrial facilities.

(b) Rights-of-way for major reservoirs, canals, pipelines, transmission lines, highways and railroads.

(6) Approval of operations that would result in liberation of radioactive tracer materials or nuclear stimulation.

(7) Approval of any mining operation where the area to be mined, including any area of disturbance, over the life of the mining plan, is 640 acres or larger in size.

B. If, for any of these actions it is anticipated that an EIS is not needed based on potential impact significance, an environmental assessment will be prepared and processed in accordance with 40 CFR 1501.4(e)(2).

5.4 Categorical Exclusions

The Departmental Manual [516 DM 2.3A(3) & Appx 2] requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS.

When no exceptions apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS:

A. *Fish and Wildlife.*

(1) Modification of existing fences to provide improved wildlife ingress and egress.

(2) Minor modification of water developments to improve or facilitate wildlife use (e.g. modify enclosure fence, install flood value, or reduce ramp access angle).

(3) Construction of perches, nesting platforms, islands and similar structures for wildlife use.

(4) Temporary emergency feeding of wildlife during periods of extreme adverse weather conditions.

(5) Routine augmentations such as fish stocking, providing no new species are introduced.

(6) Relocation of nuisance or depredating wildlife, providing the relocation does not introduce new species into the ecosystem.

(7) Installation of devices on existing facilities to protect animal life such as raptor electrocution prevention devices.

B. *Fluid Minerals.*

(1) Issuance of future interest leases under the Mineral Leasing Act of Acquired Lands where the subject lands are already in production.

(2) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(3) Approval of minor modifications or minor variances from activities described in approved development/production plans (e.g. the approved plan identifies no new surface disturbance outside the area already identified to be disturbed).

(4) Approval of unilization agreements, communitization agreements, drainage agreements, underground gas storage agreements, compensatory royalty agreements, or development contracts.

(5) Approval of suspensions of operations, *force majeure* suspensions, and suspensions of operations and production.

(6) Approval of royalty determinations such as royalty rate reductions.

C. Forestry

(1) Land cultivation and silvicultural activities (excluding herbicides) in forest tree nurseries, seed orchards, and progeny test sites.

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

(3) Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used and there is no conversion of timber type or conversion of nonforest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellant, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.

(4) Precommercial thinning and brush control using small mechanical devices.

(5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.) cones, seeds and personal use firewood.

D. Rangeland Management

(1) Approval of transfers of grazing preference.

(2) Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.

(3) Temporary emergency feeding of livestock or wild horses and burros during periods of extreme adverse weather conditions.

(4) Removal of wild horses or burros from private lands at the request of the landowner.

(5) Processing (transporting, sorting providing veterinary care to, vaccinating, testing for communicable diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves of) excess wild horses and burros.

(6) Approval of the adoption of healthy, excess wild horses and burros.

(7) Actions required to ensure compliance with the terms of Private Maintenance and Care Agreements.

(8) Issuance of title to adopted wild horses and burros.

(9) Destroying old, sick, and lame wild horses and burros as an act of mercy.

E. Realty

(1) Withdrawal extensions or modifications which only establish a new time period and entail no change in segregative effect or use.

(2) Withdrawal revocations, terminations, extensions or modifications and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.

(3) Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).

(4) Administrative conveyances from the Federal Aviation Administration (FAA) to the State of Alaska to accommodate airports on lands appropriated by the FAA prior to the enactment of the Alaska Statehood Act.

(5) Actions taken in conveying mineral interest, where there are no known mineral values in the land, under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).

(6) Resolution of class one color-of-title cases.

(7) Issuance of recordable disclaimers of interest under section 315 of FLPMA.

(8) Corrections of patents and other conveyance documents under section 316 of FLPMA and other applicable statutes.

(9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

(10) Transfer or conversion of leases, permits, or rights-of-way from one agency to another (e.g., conversion of Forest Service permits to a BLM Title V Right-of-way).

(11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302(b) leases where no new facilities or other changes are needed.

(12) Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

(13) Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional distrubances outside the rights-of-way boundary.

(14) Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.

(15) Transfer of land or interest in land to or from other Bureaus or Federal agencies where current management will continue and future changes in management will be subject to the NEPA process.

(16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

(17) Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

(18) Temporary placement of a pipeline above ground.

(19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

(20) One-time issuance of short-term (3 years or less) rights-of-way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.

F. Solid Minerals

(1) Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands where the subject lands are already in production.

(2) Approval of mineral lease readjustments, renewals and transfers, including assignments and subleases.

(3) Approval of suspensions of operations, *force majeure* suspensions, and suspensions of operations and production.

(4) Approval of royalty determinations such as royalty rate reduction and operations reporting procedures.

(5) Determination and designation of logical mining units (LMUs).

(6) Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.

(7) Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable and locatable minerals. (e.g. the approved plan identifies no new surface disturbance outside the areas already identified to be disturbed.)

(8) Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals. (e.g. change in mining sequence or timing.)

(9) Digging of exploratory trenches for mineral materials, except in riparian areas.

(10) Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

G. Transportation Signs

(1) Placing existing roads in any transportation plan when no new construction or upgrading is needed.

(2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to existing roads.

(3) Temporary closure of roads.

(4) Placement of recreational, special designation or information signs, visitor registers, kiosks and portable sanitation devices.

H. Other

(1) Maintaining plans in accordance with 43 CFR 1610.5–4.

(2) Acquisition of existing water developments (e.g. wells and springs) on public land.

(3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included is siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samplers.

(4) Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.

(5) Issuance of special recreation permits to individuals or organized groups for search and rescue training, orienteering or similar activities and for dog trials, endurance horse races or similar minor events.

(6) A single trip in a one month period to data collection or observation sites.

(7) Construction of snow fences for safety purposes or to accumulate snow for small water facilities.

(8) Installation of minor devices to protect human life (e.g. grates across mines).

(9) Construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas.

(10) Removal of structures and materials of nonhistorical value, such as abandoned automobiles, fences, and buildings, including those built in trespass, and reclamation of the site when little or no surface disturbance is involved.

(11) Actions where BLM has concurrence or coapproval with another DOI agency and the action is categorically excluded for that DOI agency.

(12) Rendering formal classification of lands as to their mineral character and waterpower and water storage values.

[FR Doc. 92–6700 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[CA–063–02–4320–07]

Temporary Closure of Public Lands in Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure of Public Lands in Kern County, CA.

SUMMARY: This closure order affects the Public Land along the eastern edge of the El Paso Mountains, Kern County, California under the administrative responsibility of the Ridgecrest Resource Area, California Desert District. The following is a description of the Public Land affected by this closure order:

T. 28 S., R. 40 E., Mount Diablo Baseline and Meridian

Section 19: SE¼SE¼
Section 20: S½S½
Section 21: S½S½
Section 22: SW¼ west of Highway 395
Section 27: W½, that portion of the E½ west of Highway 395
Section 28: All
Section 29: All
Section 30: E½E½
Section 31: E½E½
Section 32: All
Section 33: All
Section 34: W½, that portion of the E½ west of Highway 395

T. 29 S., R. 40 E., Mount Diablo Baseline and Meridian

Section 2: That portion of the N½N½ west of Highway 395 (not surveyed)
Section 3: N½N½ (not surveyed)
Section 4: N½N½ (not surveyed)
Section 5: NE¼NE¼ (not surveyed)

The Public Lands listed above are closed to unauthorized entry including all vehicles, camping and hiking. No person may use, drive, move, transport, let stand, park or have charge or control over any type of motorized or mechanical vehicle within closure area. All major access routes into the area will be posted. The closed area is located approximately 15 miles south of Inyokern, California.

Exemptions to this order are granted to the following:

Employees of valid rights-of-way holders in the course of duties associated with the right-of-way.

Holders of valid lease(s), claim(s), contract(s) and permit(s) and their employees in the course of duties associated with the lease, claim, contract, and permit.

Law enforcement and other emergency vehicles on official duties, and search and rescue operations.

All other exemptions to this order are by written authorization of the California Desert District Manager. Anyone seeking an exemption must submit their request in writing to the California Desert District Manager (6221 Box Springs Blvd., Riverside, CA 92507). The request must include a detailed description outlining the purpose or need for the exemption, specific areas to be used, and dates of the exemption.

The purpose of this closure is to preclude public access to a large plot within the closed area where desert tortoise research is being conducted. This closure will avert any potential problems from the public and activities that may adversely affect the experiment.

EFFECTIVE DATES: This closure will be in effect from Wednesday, April 1, 1992 through Friday, June 5, 1992.

FOR FURTHER INFORMATION CONTACT:

District Manager, California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507–0714, (714) 697–5370.

Area Manager, 300 South Richmond Road, Ridgecrest, CA 93555, (619) 375–7125.

SUPPLEMENTARY INFORMATION:

Maps showing the areas and routes affected by this closure order are available by contacting the aforementioned office.

Authority for this temporary closure order is found in 43 CFR 8364.1. Violation of this closure is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months (43 CFR 8360.0–7).

Dated: March 23, 1992.

Richard E. Crowe,

Assistant District Manager, Division of Operations.

[FR Doc. 92–7266 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–40–M

[WY-940-4730-12]

Filing of Plats of Survey: WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 51 N., R. 70 W., accepted March 23, 1992
T. 47 N., R. 77 W., accepted March 23, 1992
T. 26 N., R. 93 W., accepted March 23, 1992
T. 47 N., R. 77 W., accepted March 23, 1992

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and or appeal(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 2515 Warren Ave., Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $2.00 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys and subdivisions.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: March 23, 1992.

John P. Lee,

Branch of Cadastral Survey.

[FR Doc. 92–7323 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–22–M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* [16 U.S.C. 1531, *et seq.*]:

PRT 766234

Applicant: Mesker Park Zoo, Evansville, IN

The applicant requests a permit to purchase in interstate commerce a pair of captive-hatched nene geese [*Neoschen* [=*Brants*] *sandvicensis*] from Phoenix Zoo, Phoenix, Arizona, for breeding purposes.

PRT 766520

Applicant: San Diego Zoological Society, San Diego, CA

The applicant requests a permit to import two male and three female captive-born black-faced impalas (*Aepyceros melampus petersi*) from the Jardim Zoologico Lisboza, Lisboa, Portugal, for breeding purposes.

PRT 766513

Applicant: Stanley R. Sankowski, West Valley, UT

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 766563

Applicant: Charles C. York, Collierville, TN

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas*

dorcas) culled from the captive herd maintained by F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 764299

Applicant: Robert Hermann, Taylor, TX

The applicant requests a permit to import the sport-hunted trophy of a male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 766275

Applicant: Carl Webb

The applicant requests a permit to purchase in interstate commerce two pairs of captive-hatched nene geese [*Nesochen* (=*Branta*) *sandvicensis*] from Horst W. Schmudde, Colts Neck, New Jersy, for breeding purposes.

PRT 763732

Applicant: Houston Zoological Gardens, Houston, TX

The applicant requests a permit to import a captive born pair of maned wolves (*Chrysocyon brachyurus*), from the Ravensden Farms, Rushden, England for breeding purposes.

PRT 767107

Applicant: Edwin Pierson, Neligh, NE

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) to be culled from the captive herd maintained by Mr. Van Zyle Lubbe, Orange Free State, Republic of South Africa, for the purpose of enhancement or survival of the species.

PRT 702361

Applicant: U.S. Fish and Wildlife Service, Region 1, Portland, OR

The applicant requests an amendment to their current permit to authorize additional take activities with endangered plant species: 5 species native to California, 44 species native to Hawaii and 2 species native to Nevada. Take activities are for scientific purposes and the enhancement of propagation or survival in accordance with the recovery documents developed for these species.

PRT 751198

Applicant: Kelly Anderson Young, Las Vegas, NV

The applicant requests a permit to export and reimport one captive-born female Siberian tiger (*Panthera tigir altaica*) for enhancement of survival through education.

PRT 766800

Applicant: St. Louis Zoological Park, St. Louis, MO

The applicant requests a permit to import one captive-born female cheetah (*Acinonyx jubatus*), from the National Zoological Gardens of SA Pretoria, Republic of South Africa, for breeding purposes.

PRT 696911

Applicant: Kay Rosaire, Sarasota, FL

The applicant requests a permit to export/reimport/reexport one male and one female Bengal tiger (*Panthera tigris*) captive-bred in the United States for enhancement of survival through education.

PRT 766567

Applicant: Daniel Anderson, Davis, CA

The applicant requests a permit to import up to 50 California brown pelican (*Pelecanus occidentalis californicus*) eggs and salvaged parts found on beaches on the Gulf of California, Mexico, for pesticide and contaminant analysis to enhance the propagation and survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281)

Dated: March 26, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92–7346 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 21, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by April 15, 1992.

Beth Savage,

Acting Chief of Registration, National Register.

CONNECTICUT

New Haven County

Southbury Training School, 1484 S. Britain Rd., Southbury, 92000368

GEORGIA

De Kalb County

Hampton, Cora Beck, Schoolhouse and House, 213 Hillyer Pl., Decatur, 92000366

MARYLAND

Charles County

Rosemary Lawn, Fire Tower Rd., Welcome vicinity, 92000380

NEW JERSEY

Morris County

Anthony—Corwin Farm (Stone Houses and Outbuildings in Washington Township MPS), 244 W. Mill Rd., Washington Township, Long Valley vicinity, 92000371

Craft—Clausen House (Stone Houses and Outbuildings in Washington Township MPS), 170 Fairmont Rd., Washington Township, Long Valley vicinity, 92000372

Flock—Stephens Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 244 Flocktown Rd., Washington Township, Long Valley vicinity, 92000373

Neighbor, Leonard, Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 177 W. Mill Rd., Washington Township, Long Valley vicinity, 92000374

Rarick—Kellinhan House (Stone Houses and Outbuildings in Washington Township MPS), 358 Fairview Ave., Washington Township, Long Valley vicinity, 92000375

Sharpenstine Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 98 E. Mill Rd., Washington Township, Long Valley vicinity, 92000376

Trimmer—Dufford Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 186 W. Mill Rd., Washington Township, Long Valley vicinity, 92000377

Somerset County

Elmendorf House, 1246 Millstone River Rd., Hillsborough Township, Millstone vicinity, 92000378

PUERTO RICO

Coamo Municipality

Casa Blanca, 17 Jose I. Quinton St., Coamo, 92000379

TENNESSEE

Sevier County

Perry's Camp (Development of Motor Tourism in Tennessee's Southeastern Corridor MPS), 101 Flat Branch Rd., Gatlinburg vicinity, 92000369

TEXAS

Potter County

Plemons—Mrs. M. D. Oliver-Eakle Additions Historic District, Roughly bounded by 16th Ave., Taylor St., 26th Ave., Van Buren St., I–40 and Madison St., Amarillo, 92000370

WASHINGTON

King County

Winters, Frederick W., House, 2102 Bellevue Way, SE., Bellevue, 92000367

In order to assist in the preservation of the following property, the commenting period has been waived:

NEW YORK

Monroe County

Immaculate Conception Roman Catholic Church Complex, 445 Frederick Douglass St. and 187 and 205 Edinburgh St., Rochester, 92000381

[FR Doc. 92–7193 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32022]

Mississippi Port Railway Co.—Lease and Operation Exemption—Terminal Railroad Facilities in Gulfport, Harrison County, MS

Mississippi Port Railway Company (MPRC), a noncarrier, has filed a notice of exemption to lease and operate approximately 4 miles of track extending from the edge of U.S. Highway 90 (West Beach Blvd) to locations on the property and wharves of the Mississippi State Port Authority and the Department of Economic and Community Development, located in Gulfport, Harrison County, MS. Although the transaction was consummated on August 13, 1991, MPRC is awaiting the effectiveness of this notice to commence operations.

Any comments must be filed with Commission and served upon Frank J. Pergolizzi, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

MPRC shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the track 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. See Class Exemption—Acq. of Oper. of R. Lines Under 49 U.S.C. 10901, 4 I.C.C.2d 305 (1988).

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 24, 1992.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7348 Filed 3–30–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Gary L. Hopkins, M.D; Revocation of Registration

On July 11, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gary L. Hopkins, M.D., of 715 Main Street, Stevensville, Montana 59870, proposing to revoke his DEA Certificate of Registration, AH9670628, and to deny any pending applications for registration as a practitioner under 21 U.S.C 823(f). The proposed action was predicated on Dr. Hopkins' lack of authorization to handle controlled substances in the State of Montana. 21 U.S.C. 824(a)(3). The Order to Show Cause also alleged that Dr. Hopkins' continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

The Order to Show Cause was sent to Dr. Hopkins by registered mail. More than thirty days have passed since the Order to Show Cause was received by Dr. Hopkins and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 13.01.54(d), Gary L. Hopkins, M.D. is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that Dr. Hopkins had his medical license revoked by the Board of Medical Examiners, Department of Commerce, State of Montana effective December 13, 1990. This revocation was based upon allegations set forth in a Notice of Proposed Board Action and Opportunity for a Hearing, dated October 7, 1988, and a default judgment entered pursuant to such Notice which resulted in the Revocation Order of December 13, 1990. This revocation was based upon findings that Dr. Hopkins administered, dispensed or prescribed narcotic or hallucinatory controlled substances to thirty-one (31) individual persons other than in the course of legitimate medical practice between 1981 and 1985 and that Dr. Hopkins, during this same time period, failed to properly diagnose, treat or otherwise care for the physical conditions of sixty-seven (67) individual patients. Consequently, Dr. Hopkins is no longer authorized to prescribe, dispense, administer or otherwise handle controlled substances in any schedule in the State of Montana.

The Administrator concludes that the DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. See 21 U.S.C. 823(f). The Administrator and his predecessors have consistently so held. See *Howard J. Reuben,* M.D., 52 FR 8375 (1987); *Romon Pla, M.D.* Docket No. 86–54, FR 41168 (1986); *Dale D. Shahan, D.D.S.;* Docket No. 85–57, 51 FR 23481 (1986); and cases cited therein. Since Dr. Hopkins lacks state authorization to handle controlled substances, it is not necessary for the Administrator to decide the issue of whether Dr. Hopkins' continued registration is inconsistent with the public interest at this time.

No evidence of explanation or mitigating circumstances has been offered by Dr. Hopkins. Therefore, the Administrator concludes that Dr. Hopkins' DEA Certificate of Registration must be revoked.

Accordingly, the Administrator of the Drug Enforcment Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AH9670628, previously issued to Gary L. Hopkins, M.D., be, and it hereby is, revoked, and any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective March 31, 1992.

Dated: March 24, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92–7270 Filed 3–30–92; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-26,589, et al.]

Baroid Corp., Corporate Headquarters; Houston, TX and Baroid Drilling Fluids Division; Headquartered in Houston, TX and Operating at Various Locations in the Following States; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 31, 1992, applicable to all workers of Baroid Corporation, Houston, Texas and operating in the below mentioned States except Michigan. The Department is amending the certification to include the State of Michigan.

New information was received by the Department showing that the Bariod Corporation operating in the State of Michigan has experienced substantial declines in sales and employment in 1991 compared to 1990 and should be added to the subject certification.

The intent of the Department's certification is to include all workers of Bariod Corporation who were adversely affected by increased imports of crude oil and natural gas.

The amended notice applicable to TA-W-26,589 is hereby issued as follows:

All workers of Baroid Corporation, Corporate Headquarters Houston, Texas and Baroid Drilling Fluids Division, headquartered in Houston, Texas and operating at various locations in the following states who became totally or partially separated from employment on or after July 5, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-26,589A Alaska
TA-W-26,589B Arizona
TA-W-26,589C Arkansas
TA-W-26,589D California
TA-W-26,589E Colorado
TA-W-26,589F Illinois
TA-W-26,589G Kansas
TA-W-26,589H Kentucky
TA-W-26,589I Louisiana
TA-W-26,589J Mississippi
TA-W-26,589K Missouri
TA-W-26,589L Montana
TA-W-26,589M Nevada
TA-W-26,589N New Mexico
TA-W-26,589O Ohio
TA-W-26,589P Oklahoma
TA-W-26,589Q Pennsylvania
TA-W-26,589R South Dakota
TA-W-26,589S Texas
TA-W-26,589T Utah
TA-W-26,589U West Virginia
TA-W-26,589V Wyoming
TA-W-26,589W Michigan

Signed in Washington, DC, this 23rd day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 7376 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of March 1992.

I order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sudivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26, 747; Borg Warner Automotive, Frankfort, IL

TA-W-26, 696A; Bohemia, Inc., Drain, OR

TA-W-26, 706; Herman Funke & Sons, Inc., Ashely, PA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26, 847; Vanport Industries, Inc., Vancouver, WA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 843; PPG Industries, Codings & Resins Div., Research & Development Group, Cleveland, OH

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 751 and TA-W-26, 752; Halliburton Services, Abilene, TX and Whichita Falls, TX

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales production did not decline during the relevant period as required for certification. Increases of imports of acticles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

TA-W-26, 775; Halliburton Services, Executive Office, Houston, TX TA-W-26, 781; Halliburton Service Division Offices, Corpus Christi, TX; TA-W-26, 774; Alice, TX, TA-W-26, 776; Fresno, TX, TA-W-26, 777; Loredo, TX, TA-W-26, 778; Luling, TX, TA-W-26, 779; Mission, TX, TA-W-26, 780; Victoria, TX, TA-W-26, 782; Galveston, TX, TA-W-26, 783; Pleasanton, TX

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

TA-W-26, 744; American Tourister, Inc., Cranston, RI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 698; Cheynne Services, Inc., Pleasanton, TX

U.S. imports of crude oil decline absolutely and relative to domestic shipments in Jan-Oct 1991 compared with the same period in 1990.

TA-W-26, 746; Bluefield Distribution Co., Bluefield, WV

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-26, 673; Black & Decker Corp., Molly Fasteners, Temple, PA

A certification was issued covering all workers separated on or after December 1, 1991.

TA-W-26, 733; ICI Americans, Inc., Dighton, VA

A certification was issued covering all workers separated on or after December 31, 1990.

TA-W-26, 790; T. J. Designs, Wewonka, OK

A certification was issued covering all workers separated on or after January 16, 1991.

TA-W-26, 796; E. W. Bliss Co., Hastings, MI

A certification was issued covering all workers separated on or after January 15, 1991.

TA-W-26, 696 and TA-W-26, 696B; Bohemia, Inc., Eugene, OR and Gardiner, OR

A certification was issued covering all workers separated on or after December 1, 1991 and before February 29, 1992.

TA-W-26, 814; Moniterm Corp., Minnetonka, MN

A certification was issued covering all workers separated on or after January 23, 1991.

TA-W-26, 826; Wasatch High Voltage, Salt Lake City, UT

A certification was issued covering all workers separated on or after January 23, 1991.

I hereby certify that the aforementioned determinations were issued during the month of March 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: March 24, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-7374 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,298]

Flowline Division, New Castle, PA; Revised Determination on Reopening

On November 7, 1991, the Department issued a Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers of Flowline Division in New Castle, Pennsylvania. The notice was published in the **Federal Register** on November 21, 1991 (56 FR 58711).

The workers were also denied on reconsideration. The notice of negative determination on reconsideration was issued on February 18, 1992 and published in the **Federal Register** on February 26, 1992 (57 FR 6623).

After further review the Department determined that the products produced at Flowline are more apt to fall under stainless steel pipe butt welding fittings and flanges than iron and steel forgings.

New findings show that U.S. imports of stainless steel tube or pipe butt welding fittings and flanges increased absolutely in 1991 compared to 1990. Late responses to the Department's survey show significant increased imports of butt weld fittings and flanges adversely affecting sales and employment at the subject firm in New Castle, Pennsylvania. The survey responses show several domestic supply houses are increasing their import purchases of stainless butt weld fittings and flanges. Several customers commented that they are losing business to foreign sources on price alone.

Sales and production of butt weld fittings and flanges and employment at New Castle decreased in the first nine months of 1991 compared to the same period in 1990.

Conclusion

After careful consideration of the new facts obtained on reopening it is concluded that increased imports of articles like or directly competitive with butt weld fittings and flanges produced at the Flowline Division in New Castle, Pennsylvania contributed importantly to the total or partial separation of workers at Flowline Division. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Flowline Division in New Castle, Pennsylvania who became totally or partially separated from employment on or after January 1, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 24th day of March 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-7373 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,528]

Hawkins Oil and Gas, Inc.; Tulsa, OK; Negative Determination on Reconsideration

By order dated, December 23, 1991, the United States Court of International Trade (USCIT) in *Former Employees of Hawkins Oil & Gas, Inc.*, v. *U.S. Secretary of Labor* (USCIT 90-02-00083) remanded this case to the Department for further investigation.

The petition for trade adjustment assistance, dated October 9, 1989, was filed by three workers of the exploration staff in the Geology Department of Hawkins Oil & Gas on behalf of all workers of Hawkins Oil & Gas, Tulsa, Oklahoma, AR 2. The three workers were separated from employment in mid-1989 because the company shifted its emphasis from geological (drilling) to engineering (property acquisitions), 2SR 2. As a result, Hawkins no longer required geological services and the exploration staff was laid off, 2SR 3.

According to company officials, the change in the Hawkins' function in 1989 from geological exploring and drilling to property acquisitions resulted from the lack of capital from third parties. The lack of "drilling dollars" was the result of weak oil and gas prices, the aging and depletion of the wells and new tax law changes which created a situation where the risk of drilling for oil and gas was greater than the reward, 2SR 2. These factors would not provide a basis for a worker group certification.

To put the Department's findings in perspective, they show that Hawkins Oil & Gas is an operating company that explored and contracted out drilling for third parties through limited partnerships. Hawkins put together leases and purchased them for third parties to explore for oil and gas and then produced and operated the wells. In 1989, however, Hawkins' activities changed to only buying producing properties, 2SR 3. Hawkins hired engineers who evaluated the producing properties. Therefore, there was no need for the geological group who explored for oil and gas and who petitioned the Department for trade adjustment assistance.

The findings further show that Hawkins derived only 34 percent of its revenue or sales in 1989 from crude oil and natural gas production, SR 15. The remaining revenues were from management fees, interest income, rental income and the sale of leases and equipment inventory, SR 4,—activities which would not be coverable under the provisions of the Trade Act of 1974 or its 1988 amendments.

In order for a worker group to be certified eligible to apply for trade adjustment assistance, it must meet all three of the Group Eligibility Requirements of the Trade Act—(1) a significant decrease in employment; (2) an absolute decrease in sales or production at the workers' firm and (3) an increase in imports of like or directly competitive articles that "contributed

importantly" to worker separations and declines in sales or production at the workers' firm. The failure to meet any one of criterion in the period relevant to the petition is sufficient to deny the petition.

The investigation findings show that the decreased sales or production criterion of the Group Eligibility Requirements of the Trade Act was met in 1988 and 1989 if both gas and crude oil were viewed separately. However, the decreased employment criterion in 1988 and, in 1989, the "contributed importantly" test of the Group Eligibility Requirements were not met.

Investigation findings on remand show that there were no layoffs in 1988 and only the three production workers (petitioners) were laid off in 1989, 2SR 4.

Further, high company officials indicated that the decline in purchases by customers of Hawkins in 1988 and in 1989 was the result of the natural depletion of natural gas in the wells and the fact that no new wells were drilled, 2SR 4.

Other findings on remand further confirm that the workers' petition did not meet the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. Further, the Department survey is generally conducted with customers which had declining purchases from the subject firm. There is little purpose in surveying customers which did not have declining purchases since they would not have contributed to any actual loss at Hawkins.

In the case at hand, Hawkins furnished a customer list showing its sales to customers by year and period, AR 31. The investigation shows that the customers' declines of natural gas purchases were not significant in 1989, AR 31 and AR 27. Notwithstanding the above the Department went ahead with its customer survey of the declining customers in 1989.

The findings show that Hawkins had only two customers with declining purchases in 1989 and both were natural gas customers, AR 31. The survey showed that one of the two was a wholesale natural gas purchaser with increasing sales in 1989 compared to 1988 and in 1988 compared to 1987. The customer did not purchase any domestic or foreign crude oil, 2SR 6; or import natural gas, AR 34. According to company officials at Hawkins, the reduced purchases of natural gas in 1988 and 1989 from Hawkins was the result of the natural depletion of Hawkins' gas wells, 2SR 4.

The remaining customer with declining purchases from Hawkins in 1989 was an oil and gas producer. Although this customer did not import natural gas during the period 1987–1989, it was a crude oil importer, AR 37, 38 (a response taken from an investigation of another company—TA–W–23,399). However, Hawkins findings show that this remaining customer had increased purchases of crude oil from Hawkins in 1989 compared to 1988, (SR 22) and decreased purchases of natural gas, AR 31. The decreased purchases of natural gas in 1988 and 1989 was the result of the normal aging and depletion of Hawkins' gas wells, (2nd SR 4). Company officials at this oil and gas producing customer indicated that its crude oil imports had no effect on its decline in gas purchases from Hawkins since it is the company's policy to purchase all the domestic gas it can for this end users, 2SR 9, 12.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to workers and former workers of Hawkins Oil & Gas, Inc., Tulsa, Oklahoma.

Signed at Washington, DC, this 20th day of March 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92–7372 Filed 3–30–92; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 10, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 10, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 16th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Progress Lighting, Inc. (IBEW)	Philadelphia, PA	03/16/92	03/06/92	26,994	Lighting fixtures.
Cleere Drilling Co. (Wkrs)	San Angelo, TX	03/16/92	02/10/92	26,995	Oil drilling.
Russell Oil and Gas, Investment, Inc (Wkrs)	Yukon, OK	03/16/92	03/03/92	26,996	Oil and gas.
Biopolar Integrated Technology, Inc (Wkrs)	Beaverton, OR	03/16/92	03/04/92	26,997	Floating point products.
Cabot Oil and Gas Corp (Co)	Pittsburgh, PA	03/16/92	03/03/92	26,998	Explores for natural gas and oil.
Up-John Co. (Co)	Dayton, OH	03/16/92	02/10/92	26,999	Industrial chemicals.
Applied Technologies, Inc. (Co)	Boulder, Co	03/16/92	03/06/92	27,000	Metrological instruments.
Northgate Computer System (Wkrs)	Eden Prairie, MN	03/16/92	03/06/92	27,001	Computers.
Komatsu Dresser Co. (UAW)	Libertyville, IL	03/16/92	03/04/92	27,002	Construction equipment.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
DeVlieg, Inc. (Wkrs)	Belvidere, IL	03/16/92	03/05/92	27,003	Metal cutting tools.
Luebke Corp. (Wkrs)	Brookfield, WI	03/16/92	03/05/92	27,004	Machined vehicle parts.
Western Co. of North America (Wkrs)	Venice, LA	03/16/92	02/24/92	27,005	Oil and gas services.
Global Marine Drilling Co. (Wkrs)	Houston, TX	03/16/92	03/05/92	27,006	Oil and gas.
Ampex Recording Media Corp. (Wkrs)	Opelika, AL	03/16/92	02/12/92	27,007	Professional magnetic tape.
BP Exploration (Co)	Houston, TX	03/16/92	03/04/92	27,008	Gas, oil, exploration, production.
Semtech Corpus Christi (Co)	Corpus Christi, TX	03/16/92	03/13/92	27,009	IC power microcircuits.
Tom's Well Services (Wkrs)	Levelland, TX	03/16/92	02/06/92	27,010	Oilfield services.
Lynco Servicing, Inc. (Wkrs)	Levelland, TX	03/16/92	02/27/92	27,011	Oil and gas.
General Cable Telecommunications (IBEW)	Plainfield, NJ	03/16/92	03/04/92	27,012	Telephone cable.
Lowell Lingerie Co., Inc. (ILGWU)	Lowell, MA	03/16/92	02/02/92	27,013	Ladies' slips.
Advance Foundry (Wkrs)	Dayton, OH	03/16/92	03/03/92	27,014	Stamping dies.
Saft America, Inc. (Co)	Valdosta, GA	03/16/92	03/05/92	27,015	Portable battery cells.
Cabot Oil and Gas Corp (Co)	Houston, TX	03/16/92	03/03/92	27,016	Explores for natural gas and oil.
Cabot Oil and Gas Corp (Co)	Charleston, WV	03/16/92	03/03/92	27,017	Explores for natural gas and oil.
Russell Construction Co. (Wkrs)	Yukon, OK	03/16/92	03/03/92	27,018	Oil and gas.
Russell Supply, Inc. (Wkrs)	Yukon, OK	03/16/92	03/03/92	27,019	Oil and gas.

[FR Doc. 92-7375 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Privacy Act of 1974; Transfer of Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of transfer of records subject to the Privacy Act to the National Archives.

SUMMARY: Records retrievable by personal identifiers which are transferred to the National Archives of the United States are exempt from most provisions of the Privacy Act of 1974 (5 U.S.C. 552a) except for publication of a notice in the **Federal Register**. NARA publishes a notice of the records newly transferred to the National Archives of the United States which were maintained by the originating agency as a system of records subject to the Privacy Act.

FOR FURTHER INFORMATION CONTACT: Dr. Trudy Peterson, Assistant Archivist for the National Archives, on (202) 501-5300 or (FTS) 241-5300.

SUPPLEMENTARY INFORMATION: In accordance with section (l)(1)(3) of the Privacy Act, archival records transferred from executive branch agencies to the National Archives of the United States are not subject to the Provisions of the Act relating to access, disclosure, and amendment. The Privacy Act does require that a notice appear in the **Federal Register** when executive branch systems of records retrievable by personal identifiers are transferred to the National Archives of the United States. After transfer of records retrievable by personal identifiers to the National Archives of the United States, NARA does not maintain these records as a separate system of records. NARA will attempt to locate specific records about an individual in any system of records described in a Privacy Act Notice as being part of the National Archives of the United States. Furthermore, records in the National Archives of the United States may not be amended, and NARA will not consider any requests for amendment.

Archival records maintained by NARA are arranged by Record Group depending on the agency of origin. Within each Record Group, the records are arranged by series, thereunder generally by filing unit, and thereunder by document or of groups of documents. The arrangement at the series level or below is generally the one used by the originating agency. Usually, a system of records corresponds to a series.

In this notice, each system is identified by the system name used by the executive branch agency that accumulated the records. That system name is followed by information in parentheses about the National Archives Record Group to which records in the system have been allocated. In the section of the notice covering categories of records in the system, the specific segment of the system transferred to the National Archives is identified by the accession number assigned to the system segment when it was transferred to the National Archives and the series title associated with the system in the National Archives.

The following systems of records, or parts thereof, retrievable by personal identifiers have been transferred to the National Archives since the last notice published at 56 FR 4303 (Feb. 4, 1991):

1. *System name:* Records of Tuskegee Study Health Benefit Recipients, HHS/CDC/CPS (part of National Archives Record Group 442, Records of the Centers for Disease Control).

System location: National Archives-Southeast Region, 1557 St. Joseph Avenue, East Point, GA 30344.

Categories of individuals covered by the system: Records in the National Archives cover adult participants in the study and their family members.

Categories of records in the system: Records in the National Archives covered by this notice include Tuskegee patient files, circa 1932 to 1970; x-rays of participants; and miscellaneous records and patient medical files. (NARA Accession Number 4NN-442-090-147).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: File Folders.

b. Retrievability: Records are retrieved alphabetically by name.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records

Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

2. *System name:* Individual Indian Monies-Interior, BIA–3 (part of National Archives Record Group 75, Records of the Bureau of Indian Affairs).

System location: National Archives—Central Plains Region, 2314 East Bannister Road, Kansas City, MO 64131; National Archives—Pacific Southwest Region, 24000 Avila Road, Laguna Niguel, CA 92656.

Categories of individuals covered by the system: Records in the National Archives cover individual Indians who had money accounts.

Categories of records in the system: Records in the National Archives—Central Plains Region covered by this notice include Individual Indian Money Posting and Control Records, Fort Berthold Agency, 1951–1965 (NARA Accession Number 6NN–075–091–001) and Individual Indian Money Ledger Sheets, Aberdeen Area Office, 1949–1963 (NARA Accession Number 6NN–075–91–005). Records in the National Archives—Pacific Southwest Region covered by this notice include Individual Indian Money Posting Documents, Navaho Area Office, 1941 (NARA Accession Number 9NL–075–87–001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Records are retrieved by surname of individual.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

3. *System name:* General Personnel Records (part of National Archives Record Group 478, Records of the Office of Personnel Management).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover current and former Federal employees as defined in 5 U.S.C. 2105.

Categories of records in the system: Records in the National Archives covered by this notice inlcude records contained in the Central Personnel Data File (CPDF), Current Status Master File, 1973–74 (NARA Accession Numbers NN3–478–90–003 and NN3–478–92–001). A definitive list of CPDF data elements is contained in Federal Personnel Manual Supplement 292–1, Personnel Data Standards.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552(a)(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: These records are retrieved by various combinations of name, birth date, social security number, or identification number of the individual on whom they are maintained.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

4. *System name*: Executive Clemency Files, JUSTICE/OPA–001 (part of National Archives Record Group 204,

Records of the Office of the Pardon Attorney).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals who applied for or were granted executive clemency.

Categories of records in the system: Records in the National Archives covered by this notice include Pardon Attorney Index/Docket cards, 1945–85 (NARA Accession Number NN3–204–91–001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in archival containers.

b. Retrievability: Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

5. *System name:* Civil Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

System location: National Archives—Northeast Region, 201 Varick Street, New York, NY 10014–4811.

Categories of individuals covered by the system: Records in the National Archives cover (a) individuals being investigated in anticipation of civil suits; (b) individuals involved in civil suits; (c) defense counsel(s); (d) information sources; and (e) individuals relevant to the development of civil suits.

Categories of records in the system: Records in the National Archives covered by this notice include case files for significant cases, 1945–1979. (NARA Accession Number 2NN–118–90–018).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desirng information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at th National Archives research facilities listed in 36 CFR part 1253.

6. *System name:* Criminal Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

System location: National Archives—Northeast Region, 201 Varick Street, New York, NY, 10014–4811.

Categories of individuals covered by the system: Records in the National Archives cover (a) individuals charged with violations; (b) individuals being investigated for violations; (c) defense counsel(s); (d) information sources; (e) individuals relevant to development of criminal cases; (f) individuals investigated, but prosecution declined; (g) individuals referred to in potential or actual cases and matters of concern to a U.S. attorney's office; and individuals placed into the Department's Preatrial Diversion Program.

Categories of records in the system: Records in the National Archives covered by this notice include case files for significant cases, 1945–1979. (NARA Accession Number 2NN–118–90–018).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

7. *System name:* Radiation Exposure Information Reporting System (REIRS) Files–NRC (part of National Archives Record Group 431, Records of the Nuclear Regulatory Commission).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals monitored for radiation exposure while employed by or visiting or temporary assigned to certain NRC-licensed facilities; individuals who were exposed to radiation or radioactive materials in incidents required to be reported by all NRC licensees; and individuals who may have been exposed to radiation or radioactive materials off-site from a facility, plant installation, or other place of use of licensed materials, or in unrestricted areas.

Categories of records in the system: Records in the National Archives covered by this notice include electronic records of personnel monitoring report data for Oak Ridge National Laboratory, 1978–1991 (NARA Accession Number NN3–431–91–001).

Routine uss of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restricitons may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: Records are accessed by individual name, social security account number, and by licensee name or number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Notification procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon requests, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

8. *System name:* Civil Division Case File System (part of National Archives Record Group 60, Records of the Department of Justice).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals referenced in potential or actual cases and matters under the jurisdiction of the Civil Division; and attorneys, paralegals, and other employees of the Civil Division directly involved in these cases or matters.

Categories of records in the system: Records in the National Archives covered by this notice include precedent and other notable claims filed under the Japanese-American Evacuation Claims Act, 1945–1965, and a card index to names of persons who renounced their U.S. citizenship, 1942–1960 (NARA Accession Number NN3–060–91–009).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Records are stored in archival containers.

b. Retrievability: Case files by file number linked through published finding aids to subject name; index cards by subject name.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Notification procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be

consulted at the National Archives research facilities listed in 36 CFR part 1253.

9. *System name:* Navy Recruiting Command Attrition Tracking System (part of National Archives Record Group 405, Records of the U.S. Naval Academy).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover Navy enlisted personnel who attrite during basic recruit training.

Categories of records in the system: Records in the National Archives covered by this notice include U.S. Naval Academy Class of 1987: Student Identification Data Base and Student Education Data Base. (NARA Accession Number NN3–405–091–001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Automated records maintained on magnetic tape.

b. Retrievability: Information can be retrieved by social security number, Navy recruiting area or district recruit training center, age, education, discharge reason or date of discharge.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

10. *System name:* Central Civil Rights Division Index File and Associated Records (part of National Archives Record Group 60, General Records of the Department of Justice).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover persons referred to in potential or actual cases and matters of concern to the Civil Rights Division.

Categories of records in the system: Records in the National Archives covered by this notice include electronic records containing information on Japanese internees taken from War Relocation Authority Form 26 (NARA Accession Number NN3–060–091–012).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic records on computer tape.

b. Retrievability: Through logical queries to the computer-based system.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

11. *System name:* USAINSCOM Investigative Files System (part of National Archives Record Group 319, Records of the Army Staff).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals about whom there was a reasonable basis to believe that they had engaged in, or planned to engage in, specific adverse activities between 1936 and 1970.

Categories of records in the system: Records in the National Archives covered by this notice include security classified intelligence and investigate dossiers relating to individuals and a accompanying name index, 1936–1970 (NARA Accession Number NN3–319–091–004).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR Part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records in archival containers.

b. Retrievability: Maintained in alphabetical order by surname of individual.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the record in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

12. *System name:* Production Credit Association Loans-FCA (part of National Archives Record Group 103, Records of the Farm Credit Administration).

System location: National Archives-New England Region, 380 Trapelo Road, Waltham, MA 02154.

Categories of individuals covered by the system: Records in the National Archives cover member-borrowers whose loan applications: (1) Exceeded the prior-approval limits, (2) were submitted under the post-review requirements, or (3) fell within the category of loan approval requirements stipulated by FCA regulation-Loan Policies and Operations.

Categories of records in the system: Records in the National Archives covered by this notice include case files documenting loans made to potato farmers in Aroostook County, Maine, during the Great Depression, 1934–1942. (NARA Accession Number 1NN–103–091–001).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records in archival containers.

b. Retrievability: Records are arranged alphabetically by name of individual farmer.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

Appendix—General Statement about Uses and Restrictions

A record from an accessioned system of records may be made available to any person who has applied for and received a researcher identification card. No special qualifications are required in order to use the records of the National Archives. Rules governing the use of records and procedures for applying for research cards are found in 36 CFR part 1254. However, the use of some of the records is subject to restrictions imposed by statute or Executive order, or by the restrictions specified in writing in accordance with 44 U.S.C. 2108 by the transferring agency. Restrictions currently in effect on access to particular records that have been specified by the transferring agency are known as "specific restrictions." Restrictions on access that may apply to more than one record group are termed "general restrictions" They are applicable to the kinds of information or classes of accessioned records designated regardless of the record group to which they have been allocated or the specific system of records they are contained in. General restrictions 16 (36 CFR 1256.16), which restricts access to information that would invade the privacy of an individual, may be applied to the records described in this notice. The restrictions are published in the *Guide to the National Archives of the United States* and supplemented by restriction statements approved by the Archivist of the United States and set forth in 36 CFR Part 1256.

Dated: March 23, 1992.

Don W. Wilson,

Archivist of the United States

[FR Doc. 92–7322 Filed 3–30–92; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meeting Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATES: Thursday, April 2, 1992, Full Commission Meeting, 9:30 a.m.–4 p.m.

ADDRESSES: Capitol Hilton, 16th & K Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1111 18th Street, NW., suite 806, Washington, DC 20036 (202) 275–6933.

Type of Meeting: Open.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 92–7387 Filed 3–30–92; 8:45 am]

BILLING CODE 6820–07–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before April 30, 1992.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202–786–0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., room 3002, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202) 786–0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Younger Scholars Guidelines and Application Forms and Final Performance Report Form.
Form Number: 3136–0090.
Frequency of Collection: Annual.
Respondents: Individuals.
Use: Guidelines and Application Form for funding; and Final Performance Report Form for use by grantees to report accomplishments and evaluation.
Estimated Number of Respondents: 1,046.
Frequency of Response: Once.
Estimated Hours for Respondents to Provide Information:
10 hour per respondent for Application Forms.
1 hours per respondent for Final Performance Report Form.
Estimated Total Annual Reporting and Recordkeeping Burden: 9,011 hours.

Thomas S. Kingston,
Assistant Chairman for Operations.

[FR Doc. 92–7273 Filed 3–30–92; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 and 50–499]

Houston Lighting and Power Co., et al; Receipt of Petition for Director's Decision Under 10 CFR 2.206

In the matter of Houston Lighting & Power Co., City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, TX, South Texas Project, Units 1 and 2:

Notice is hereby given that Mr. Thomas J. Saporito, Jr., has submitted to the U.S. Nuclear Regulatory Commission (NRC) on February 10, 1992, a Petition pursuant to 10 CFR 2.206.

The Petitioner requests that the NRC institute a show cause proceeding pursuant to 10 CFR 2.202 and take a number of immediate and swift actions in the areas of physical security, maintenance activities, compliance with technical specifications and procedures, and training for the Houston Lighting & Power Company's (HL&P's; the licensee's) South Texas Project, Units 1 and 2 (STP). In a letter of March 24, 1992, I have determined that immediate action is not necessary regarding the matters raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken regarding the specific issues raised by the Petition in a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 74488.

Dated at Rockville, Maryland, this 24th day of March 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92–7361 Filed 3–30–92; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 030–05980–ML AND 030–05982–ML; ASLBP No. 92–659–01–ML]

Safety Light Corp. et al; establishment of Atomic Safety and Licensing Board

In the Matter of Safety Light Corporation Lime Ridge Industries, Inc. Metreal, Inc. 4150–A Old Berwick Road Bloomsburg, Pennsylvania 17815 United States Radium Corporation USR Industries, Inc. USR Chemical Products, Inc. USR Metals, Inc. USR Lighting, Inc. U.S. Natural Resources, Inc. 550 Post Oak Boulevard Suite 550 Houston, TX 77027

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

Safety Light corporation, et al., Material License Nos. 37–00030–02 and 37–00030–08, (Bloomsburg Site Decommissioning).

This Board is being established pursuant to the request by Safety Light Corporation; USR Industries, Inc.; USR Lighting, Inc.; USR Chemical Products, Inc.; USR Metals, Inc.; and U.S. Natural Resources, Inc. (Licensees), for a hearing regarding letter issued by the NRC Staff denying their applications for renewed licenses, dated February 7, 1992, and an Order issued by the Director, Office of Nuclear Material Safety and Safeguards, dated February 7, 1992, entitled "Order Establishing Criteria and Schedule for

Decommissioning the Bloomsburg Site" (57 FR 6136–38, February 20, 1992). The Staff's letter specifically denies Licensees' applications to renew their –02 and –08 licenses pursuant to the provisions of 10 CFR 2.103. The Order by the Office of NMSS requires the Licensees to decontaminate and decommission the Bloomsburg site such that it can be released for unrestricted use.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

James H. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 23rd day of March 1992.

B. Paul Cotter, Jr.

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 92–7349 Filed 3–30–92; 8:45 am]

BILLING CODE 7590–01–M

SECURITY AND EXCHANGE COMMISSION

[Release No. 34–30508; International Series No. 377 File No. SR–NASD–91–05]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Operation of the PORTAL Market

March 24, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),[1] notice is hereby given that on January 29, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change to Schedule I to the NASD By-Laws ("PORTAL Rules" or "PORTAL Market Rules"),[2] which govern the operation of the PORTAL Market and any trading effected in PORTAL securities. The PORTAL Market was established to provide a marketplace for primary distributions and secondary trading meeting the requirements of rule 144A under the Securities Act of 1933 ("Securities Act").[3] Rule 144A provides an exemption from the registration and prospectus delivery requirements of the Securities Act.

Because the NASD originally submitted the PORTAL Market Rules to the Commission before the Commission's adoption of rule 144A, the current PORTAL Market Rules reflect certain expectations that the NASD had about the final version of rule 144A. The version of rule 144A that was adopted by the Commission differed from the proposed versions released for comment and from what the NASD had anticipated. The NASD has, therefore, submitted fairly comprehensive changes to the PORTAL Market Rules so that the rules will more closely reflect the adopted version of rule 144A. The effect of these changes will be that PORTAL participants will no longer be assured of compliance with rule 144A merely because they have complied with the PORTAL Market Rules. PORTAL participants, themselves, will be responsible for ensuring that the transactions comply with the requirements of rule 144A. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Background

Because the NASD anticipated that the adopted version of rule 144a would include a safe harbor from the registration requirements of the Securities Act for transactions occurring on an approved private placement system, such as PORTAL,[4] it structured the PORTAL Market Rules to provide participants who effected trades in compliance with system rules assurance that they had also complied with rule 144A, with the exception of certain information provision requirements. For example, the NASD adopted rules that allow it to review applications for designation as a PORTAL qualified investor and PORTAL dealer, to determine if the applicant meets the definition of "qualified institutional buyer" ("QIB"), as defined by rule 144A(d)(1). To satisfy the requirement of rule 144A(d)(2) that the seller take reasonable steps to ensure that the purchaser is aware that the seller may be relying on rule 144A, PORTAL qualified investors and PORTAL dealers are required to agree that they understand they may purchase a PORTAL security from another qualified investor who may rely on an exemption from the provisions of section 5 of the Securities Act pursuant to rule 144A. The NASD also assumed responsibility for determining that securities included in the PORTAL Market are eligible to be sold under rule 144A(d)(3).

In addition, the NASD adopted PORTAL Market rules to address partially the information delivery requirement in rule 144A(d)(4). Because the PORTAL Market Rules require that a security meet the rule 144A security eligibility requirements prior to designation, the NASD was required, as part of the PORTAL security designation process, to assess whether the issuer was required to provide such information to holders and prospective purchases. In addition, the NASD's ongoing obligations to ensure that the security remains eligible for PORTAL require the NASD to remove the security from the PORTAL system if it discovers that the information-supplying requirements are not being met.[5]

The NASD also anticipated that the final version of Rule 144A would include resale restrictions on the securities of certain foreign issuers that are not subject to the reporting requirements of the Act. The resale restrictions of rule 144A(d)(5) in the proposed rule would have required sellers or their agents to take reasonable steps to prevent purchasers from reselling the securities in the United States, unless the securities were registered under the Securities Act, or an exemption was available.[6] The paragraph provided that

---

[1] 15 U.S.C. 78s(b)(1) (1990).

[2] The NASD has filed five amendments to the proposed rule change, dated June 14, 1991, September 30, 1991, November 1, 1991, February 19, 1992, and March 14, 1992, respectively. The proposed rule change incorporates the changes originally proposed in File No. SR–NASD–90–49, which would delete the requirements restricting the exit of PORTAL securities from the PORTAL Market to non-PORTAL accounts. See Securities Exchange Act Release No. 28429 (September 12, 1990), 55 FR 38623.

[3] The PORTAL Market was approved by the Commission on April 27, 1990. Securities Exchange Act Release No. 27956 (April 27, 1990), 55 FR 18781 ("Adopting Release").

[4] See Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Jonathan A. Katz, Secretary, SEC, dated September 12, 1989.

[5] The NASD also currently requires that any request for designation of a security as a PORTAL security include a demonstration of compliance with rule 144A(d)(4), where applicable. In such cases, the NASD requires the applicant to demonstrate how a holder or a prospective purchaser has a right to obtain from the issuer, upon request of the holder, certain information about the issuer.

[6] Securities Act Release No. 6839 (July 18, 1989), 54 FR 30076.

"reasonable steps" were considered to be conclusively established where: (a) The purchaser agreed in writing that the securities would not be resold in the U.S. unless they were registered under the Securities Act, or an exemption therefrom was available, and (b) a procedure existed, which was administered by the issuer or a third party, that was reasonably designed to prevent the transfer of the securities to other than QIBs unless the securities were registered under the Securities Act or an exemption therefrom was available. The NASD intended the PORTAL Market Rules to meet the requirements of the latter requirement.

To ensure compliance with the resale restrictions that were in proposed rule 144A(d)(5), the NASD adopted rules to require participants to maintain segregated accounts at PORTAL clearing organizations and depositories. The current rules further require PORTAL participants to: (1) Trade PORTAL securities only through segregated accounts at those designated PORTAL clearing organizations and depositories; (2) provide detailed undertakings to leave the PORTAL securities on deposit in the segregated accounts until sold or transferred outside PORTAL in a transaction complying with the restrictions on exit transactions and transfers; and (3) authorize the depositories and clearing organizations to release information on trading activity to the NASD.

The NASD has stated that it believes that the PORTAL Market imposes significantly greater limitations on the resale of securities than does rule 144A and that many institutional investors, who are unaccustomed to the exposure of their securities transactions, find the continuing oversight provided by the PORTAL Market more intrusive than desired.[7] The NASD is, therefore, proposing to amend the PORTAL Market Rules so that they more closely track the requirements of rule 144A.

The NASD believes that the new structure will replace the segregated PORTAL account structure with other systems controls that will prevent restricted securities from flowing into the public markets, absent registration under the Securities Act or an appropriate exemption from registration. Moreover, the NASD intends the restrictions to ensure that investors are not confused as to whether they hold a restricted or unrestricted security.

[7] See letter from Pamela P. Root, Vice President and Associate General Counsel, Goldman, Sachs & Co., to Brandon Becker, Deputy Director, Division of Market Regulation, SEC, dated July 13, 1990, commenting on File No. SR-DTC-90-6, at p. 2.

II. Terms of Substance of the Proposed Rule Change

Originally, the NASD conceived of PORTAL as a system that was designed to require participants to retain their securities within the PORTAL clearance and settlement system, settle all trades in that system, and report all trades in PORTAL securities through PORTAL. The original PORTAL Market was thus segregable and easily defined. The boundaries between it and the remainder of the over-the-counter market were easily determined. In redesigning the PORTAL Market, the NASD has rejected several of the characteristics of the original system that allowed that distinction to be drawn. To some extent, therefore, the PORTAL Market Rules had to be modified to reflect that: (1) Trades in PORTAL securities could be effected "outside" the PORTAL Market (as originally conceived); and (2) the PORTAL Market Rules would become rules of general applicability for all NASD members.

A. Systems Controls To Be Eliminated

1. Restrictions on Who May Trade PORTAL Securities

Originally the PORTAL Market Rules prohibited any NASD member from trading PORTAL securities as principal, unless that member was registered as a PORTAL dealer or PORTAL investor. The NASD has proposed to amend the PORTAL Market Rules by removing this limitation. Under the revised rules, however, purchases and sales of PORTAL securities by an NASD member (whether or not a participant in the PORTAL Market) must be conducted in compliance with the PORTAL Market Rules.[8]

2. NASD Responsibility for Determining Whether PORTAL Investors Meet the Definition of QIB Under Rule 144A

The NASD will continue to register investors meeting the definition of QIB under rule 144A as PORTAL Investors for the purpose of providing access to PORTAL Market information. Currently, the PORTAL Market Rules require investors to demonstrate, to the satisfaction of the NASD, that they are eligible to purchase securities pursuant to rule 144A. The NASD is proposing to amend the PORTAL Market Rules so that an investor may subscribe, and continue to subscribe, to PORTAL Market information (directly or indirectly) if it executes a subscriber agreement [9] and either: (1) A PORTAL dealer represents, annually, to the NASD that it reasonably believes that the investor is a "qualified institutional buyer" under rule 144A; [10] or (2) the investor demonstrates, on a continuing basis, to the satisfaction of the NASD that it is a "qualified institutional buyer" under rule 144A; or (3) the NASD reasonably believes, and continues to reasonably believe, that the investor is a "qualified institutional buyer" under rule 144A.

The NASD is also proposing to delete a current provision that requires investors to certify that they understand that they may be purchasing PORTAL securities from a PORTAL qualified investor who may rely on an exemption from the provisions of section 5 of the Securities Act pursuant to rule 144A.

3. Segregated Accounts

The NASD is proposing to delete the requirement that PORTAL securities be held in segregated accounts at the PORTAL depository organizations and cleared through segregated accounts at the PORTAL clearing organizations. The NASD believes that these requirements do not provide substantial regulatory protection to prevent the flow of unregistered securities into the public markets and are not required by the provisions of rule 144A. The NASD believes that because it is the transaction that is required to be in compliance with rule 144A, the availability of the rule 144A exemption is not affected by the location of the security, whether the security is issued in book-entry or physical certificate form, or whether clearance and settlement is provided by physical delivery or a depository organization.

4. Clearance and Settlement Mechanisms

The NASD is also proposing that clearance and settlement through the

[8] Because the NASD is not mandating that members conduct transactions in PORTAL securities only in compliance with rule 144A, members would be required to maintain in their files information demonstrating that their transactions are in compliance with rule 144A or other applicable exemptions from registration under the Securities Act.

[9] The NASD stated in its filing that it believes that because the provision does not specify that the agreement is an NASD agreement, it is anticipated that the investor will either execute an agreement directly with the NASD, or with a third-party vendor who uses a subscriber's agreement approved by the NASD. The NASD must file a proposed rule change pursuant to section 19(b) of the Act before it may make PORTAL Market information available to vendors for redistribution.

[10] The PORTAL dealer must continue to maintain in its files the basis for its representation that it reasonably believes that the investor satisfies the "qualified institutional buyer" requirements of rule 144A.

PORTAL depository and clearing systems be optional. PORTAL securities, therefore, will no longer be required to be deposited in a PORTAL designated depository organization to be eligible for inclusion in the PORTAL Market, and PORTAL participants will not be required to use the PORTAL Market to forward settlement instructions to the appropriate depository. The NASD continues to believe that the availability of automatic clearance and settlement as a result of entering a PORTAL transaction report is a significant step forward in facilitating securities transactions. Because automated clearance and settlement is not required by rule 144A, however, the NASD believes that the elimination of this requirement will open the PORTAL Market to a larger universe of rule 144A securities and transactions, thereby increasing the ability of the NASD to monitor transactions in rule 144A securities.

If a transaction in a PORTAL security is to be settled by physical delivery, a PORTAL participant reporting a transaction to the PORTAL Market in that security will be required to arrange for clearance and settlement by physical delivery outside of the PORTAL Market. If a PORTAL security is accepted for deposit in a depository that is not a designated PORTAL depository organization, a PORTAL participant reporting a transaction in that security to the PORTAL Market will have to arrange for clearance and settlement through the non-PORTAL depository outside of the PORTAL Market. In both cases, the PORTAL transaction report entered in the PORTAL Market system will not be used to forward settlement instructions by PORTAL to a PORTAL clearing and depository organization. If a PORTAL security is accepted for deposit by a PORTAL depository organization, a PORTAL participant entering a PORTAL transaction report in that security in the PORTAL Market system will have the choice of instructing the PORTAL Market to forward the settlement details to the PORTAL depository organization or to assume the responsibility of transmitting the settlement details to the appropriate clearance and settlement organizations independently of the PORTAL Market. As a result of the determination to eliminate the requirement for segregation of PORTAL securities, the NASD is also modifying the PORTAL Market structure that currently requires reporting of the movement of PORTAL securities in and out of segregated PORTAL accounts.

B. Proposed Alternative Controls

Because of NASD intends to move away from the more controlled system originally approved by the Commission, the NASD has had numerous discussions with the staff of the Divisions of Corporation Finance and Market Regulation to determine what alternative safeguards the PORTAL Market can reasonably be expected to include to limit leakage of restricted securities into the retail market. The discussions focused on four controls:

(1) Requiring that members report all trades in PORTAL securities to the NASD;

(2) Limiting the dissemination of trade reports to Rule 144A transactions;

(3) Requiring that all securities included in the system are assigned CUSIP numbers, or other widely accepted identification numbers, that are different from any identification number assigned to any unrestricted securities of the same class; and

(4) permitting only restricted securities to be quoted in the PORTAL Market.

1. Trade Reporting

The NASD has proposed requiring all NASD members to report any trades conducted in PORTAL securities, including transactions in reliance on rule 144 and sales to, or purchases from, a non-U.S. securities market. Members would be required to report each trade individually. Trade reports on transactions made in reliance on exemptions or safe harbors other than rule 144A would be collected for surveillance purposes only, and would not be disseminated as PORTAL Market information. The price and volume information disseminated through the PORTAL Market system would, therefore, include only trades made in reliance on rule 144A.

The PORTAL report screen and manual form will require a representation as to whether the transaction is being made in reliance on rule 144A and, if the transaction is not in reliance on rule 144A, whether the buyer is a QIB, a non-QIB institution, or a non-QIB individual investor. The PORTAL Rules also would clarify that transaction reports must include the identity of the contra-party, whether the transaction is on an agency or principal basis, whether the transaction is a purchase or sale, whether a sale is a "short" sale, the quantity of the security, the price of the security expressed in the currency in which the security is quoted in PORTAL, and a representation regarding the status of the buyer.

The reporting obligations can be met by reporting a transaction to the PORTAL Market system or by filing a manual report with the NASD.[11] Members that effect transactions in reliance on PORTAL Market information, however, must report those trades to the PORTAL Market through its computer system. These reports are required to be entered within 15 minutes after execution of the transaction.[12] Transactions in PORTAL securities that are not required to be reported through the computer system, except for transactions reported to a national securities exchange, are to be reported on a form designated by the NASD. Transaction reports that are submitted on a manual form will be required to be submitted at the end of each business week in which the reportable transaction occurred.

2. Security Designation

The criteria for eligibility as a PORTAL security will apply at the time of initial designation and will constitute continuing requirements for designation as a PORTAL security. One requirement for initial qualification and continued designation as a PORTAL security is that the security remain a restricted security, even though it may be eligible to be resold pursuant to the provisions

[11] Where both parties to a transaction in PORTAL securities are PORTAL brokers or PORTAL dealers, the member that sells the PORTAL securities, or acts as agent for the seller, is obligated to enter the PORTAL transaction report. Where only one party to the transaction is a PORTAL broker or PORTAL dealer, that party is obliged to submit the transaction report. In transactions that are not based on PORTAL Market information where both parties are not PORTAL brokers or PORTAL dealers, the seller must submit the PORTAL transaction report.

If a PORTAL broker or PORTAL dealer executes a sale of PORTAL securities with another PORTAL broker or PORTAL dealer and the seller designates settlement through the PORTAL clearance and depository system, the contra-party PORTAL broker or PORTAL dealer is required to affirm or reject the transaction report entered by the seller in the PORTAL Market system within 30 minutes after the execution of the transaction.

[12] The PORTAL Market system will accept PORTAL transaction reports from 8:30 a.m. Eastern Time to 6:30 p.m. Eastern Time. Should the transaction be executed during hours that the PORTAL Market does not accept transaction reports, the report must be entered between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time, when the PORTAL Market system is next open, with the trade date of the date of execution of the transaction. PORTAL transaction reports that are entered between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time and between 4 p.m. Eastern Time and 6:30 p.m. Eastern time will not be disseminated. The display of volume of transactions in each security, however, will include all PORTAL transaction reports entered into the PORTAL Market system by PORTAL dealers and brokers between 8:30 a.m. and 6:30 p.m. daily that are made in reliance on rule 144A.

of rule 144, including rule 144(k), but has not been so resold. Another requirement is that the security be assigned a CUSIP or CINS (CUSIP International Numbering System) security identification number that is different from any identification number assigned to any unrestricted securities of the same class. Should the security be issued to investors only in physical form, the security must have a legend placed on each certificate stating that the securities have not been registered under the Securities Act, and cannot be resold without registration under the Securities Act or an exemption therefrom.

III. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and statutory basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item V below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) In its submission, the NASD stated that its ability to control the sale of rule 144A-eligible securities to investors outside the PORTAL Market has only existed with respect to the first sale from the PORTAL Market and not with respect to any subsequent resales. The NASD believes that currently the PORTAL Market is unable to provide the regulatory oversight of PORTAL securities transactions that it had originally anticipated. The NASD believes this is because the current reporting requirements presuppose that the securities that are the subject of the transaction are deposited or will be deposited in a segregated PORTAL account. Most of these securities, however, have been traded outside such accounts. Nevertheless, the NASD believes that the PORTAL Market will perform a vital role in providing a quotation system for rule 144A securities and in expanding oversight of the market in PORTAL securities through the significantly expanded reporting requirements that the NASD has proposed. The NASD believes that significantly greater information on transactions in restricted PORTAL securities will be available if the amendments are approved.

(b) The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Exchange Act because the proposed rule change is designed to promote just and equitable principles of trade and to remove impediments to, and perfect the mechanisms of, a free and open market. The NASD also stated that it believes the proposed rule change is consistent with the provisions of section 11A(a)(2) of the Exchange Act as it applies to a trading system "for particular types of securities with unique trading characteristics."

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD stated that it does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the PORTAL Market, as well as other matters that might have an impact on the proposal. The Commission continues to consider what trading mechanisms are appropriate for this market. Accordingly, the Commission specifically solicits comment on, among other things, whether the alternative controls described above will be sufficient to preclude the leakage of restricted securities into the U.S. retail market. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all between communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7363 Filed 3-30-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30509; File No. SR-NASD-91-42]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the definition of Branch Office

March 24, 1992.

The National Association of Securities Dealers, Inc. ("NASD") submitted on April 29, 1991, a proposed rule change pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 [2] thereunder to amend Article III, section 27 of the Rules of Fair Practice to amend the definition of branch office. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Supervision

Section 27

* * * * *

Definitions

* * * * *

(g)(2) *Branch Office* means any location identified by any means to the public or customers as a location at which the member conducts an investment banking or securities business, excluding:

---

[1] 15 U.S.C. section 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1989).

(i) any location identified (solely) in a telephone directory line listing or on a business card or letterhead, which listing, card or letterhead also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch location are directly supervised[.];

(ii) any location referred to in a member advertisement, as this term is defined in Article III, section 35 of the NASD Rules of Fair Practice, by its local telephone number and/or local post office box provided that such reference may not contain the address of the non-branch location and, further, that such reference also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch locations are directly supervised; or

(iii) any location identified by address in a member's sales literature, as this term is defined in Article III, section 35 of the NASD Rules of Fair Practice provided that the sales literature also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch locations are directly supervised.

(g)(3) A member may substitute a central office address and telephone number for the supervisory branch office and OSJ locations referred to in paragraph (g)(2) above provided it can demonstrate to the NASD District Office having jurisdiction over the member that it has in place a significant and geographically dispersed supervisory system appropriate to its business and that any investor compliant received at the central site is provided to and resolved in conjunction with the office or offices with responsibility over the non-branch business location involved in the complaint.

Subsections (g)(2)(ii) and (g)(2)(iii) permit members to list locations other than branch offices and OSJs in advertisements and sales literature provided that the communication also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch location are directly supervised. By the terms of this provision, the NASD intends that the branch office or OSJ be identified as such; members may not comply with the rule's requirements by simply listing the branch office or OSJ along with other addresses with no further identification.

The proposed rule change was published for comment in Securities Exchange Act Release No. 29772 (October 1, 1991), and by publication in the **Federal Register**, 56 FR 50962 (October 9, 1991). No comments were received regarding the proposal.

The language that has been proposed for codification currently exists in interpretations issue by the NASD. In 1989 a committee of the Board of Governors issued several interpretations under Article III, section 27(g)(2) of the NASD Rules of Fair Practice, to clarify the rule's definition of branch office and the exemptions from branch office registration available for non-branch locations that meet certain conditions under the rule. The interpretations were reviewed by the NASD Board of Governors in November 1989 and published in the February 1990 issue of the NASD Regulatory & Compliance Alert. However, the absence of language reflecting these interpretations in the rule itself has resulted in some confusion among members, particularly with the passage of time, as to which activities trigger branch office registration. Therefore, the NASD has proposed to codify the existing interpretations.

While the NASD has proposed these exemptions, branch office registration will still be required for the locations that (i) perform any function under the definition of Office of Supervisory Jurisdiction; [3] (ii) publicly display signs other than on lobby directories or doors in the internal corridors of an office building; (iii) operate from public areas of buildings, such as bank branches, even when such locations are temporarily staffed; or (iv) advertise an address in any public media.

A number of NASD members employ registered persons who engage in securities-related activities on a full or part-time basis at locations away from the offices of the members. The off-site representatives may be involved in other business enterprises such as insurance, real estate sales, accounting, tax or financial planning. Notwithstanding an individual's location or compensation arrangement, under Article III, section 27(a) of the NASD Rules of Fair Practice all associated persons are considered to be employees of the firm with which they are registered for purposes of compliance with the NASD rules governing the conduct of registered persons and the supervisory responsibilities of the member.[4]

Over the past few years, the NASD has periodically considered whether the definition of branch office should be revised to ensure proper supervision of off-site employees. The NASD's most recent filing which considered the branch office designation, among other things, was SR–NASD–88–31.[5] In the instant filing, the NASD reconsidered this issue and determined that it was appropriate to amend the rule to eliminate the requirement to register as a branch office unless the securities activity at the office requires continuous and direct supervision of a principal, or the location is being held out to the public as a place where a full range of securities activity is being conducted.

Having considered the proposal, the Commission believes the rule change will assist NASD members in meeting their obligation to supervise off-site registered representatives under applicable securities laws, regulations and NASD rules. The proposed language succinctly states what the NASD deems to be a branch office; the language outlines for members the exemptions from branch office registration. Thus, the need for case-by-case interpretations of which operational structures constitute branch offices should be diminished.

Inasmuch as the proposed rule change requires all locations conducting investment banking or securities business to be registered and supervised uniformly, the Commission believes the proposed rule change is consistent with the provisions of section 15A(b)(6) of the

[3] Under the NASD Rules of Fair Practice "Office of Supervisory Jurisdiction" means any office of a member at which any one or more of the following functions takes place: (i) Order execution and/or market making; (ii) structuring of public offerings or private placements; (iii) maintaining custody of customers' funds and/or securities; (iv) final acceptance (approval) of new accounts on behalf of the member; (v) review and endorsement of customer orders, pursuant to Article III, section 27(d); (vi) final approval of advertising or sales literature for use by persons associated with the member, pursuant to Article III, section 35(b)(1) of the Rules of Fair Practice; or (vii) responsibility for supervising the activities of persons associated with the member at one or more other branch offices of the member.

[4] *See NASD Securities Dealers Manual*, CCH ¶ 2177 ("Supervision"). *See also NASD Notice to Members 86–65* (September 12, 1986), which reemphasized the duty of NASD members to supervise off-site associated person regardless of their locations or compensation arrangements. Additionally, this notice apprised NASD members of the SEC's position that an individual who operates as an independent contractor must be register as a broker-dealer unless he or she is under the control of a registered broker-dealer. As stated therein, the Commission believes this question of "control" has to be evaluated in light of the facts and circumstances to each situation and is not susceptible to a test of general application.

[5] *See* Securities Exchange Act Release No. 26177 (October 13, 1988), 53 FR 41008 (October 19, 1988), approving proposed rule change that redefined Office of Supervisory Jurisdiction and branch office making the definitions more specific. This change was implemented by the NASD in April of 1989.

Act, which require in pertinent part, that the Association adopt and amend its rules to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect the investor and the public interest.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–91–42 be, and thereby is approved. Pursuant to the NASD's request, this rule shall become effective April 30, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7364 Filed 3–30–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18628; 811–2475]

AMA Family of Funds, Inc.; Deregistration

March 24, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: AMA Family of Funds, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: the application was filed on February 13, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 20, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 5 Sentry Parkway West, suite 120, P.O. Box 1111, Blue Bell, Pennsylvania 19422.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922 or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified investment company organized as a corporation under Maryland law. On April 19, 1974, applicant filed a Notification of Registration pursuant to section 8(a) of the Act. On April 24, 1974, applicant filed a registration statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective on July 12, 1974, and it commenced its initial public offering immediately thereafter. Applicant is a series company consisting of eight separate investment portfolios: the Prime Fund, the Treasury Fund, the Tax-Free Fund, the U.S. Government Income Plus Fund, the Global Income Fund, the Classic Growth Fund, the Balanced Fund, and the Global Growth Fund (the "Funds").

2. On June 20, 1991, applicant's board of directors approved separate agreements of reorganization relating to each of the Funds (each of "Agreement"). A majority of the shares of each Fund were voted in favor of approval of the Agreements at special meetings held on the following dates: Prime Fund—September 11, 1991, U.S. Government Income Plus Fund, Classic Growth Fund, and Balanced Fund—October 21, 1991; Treasury Fund, Global Growth Fund, and Global Income Fund—November 21, 1991; and Tax-Free Fund—November 29, 1991.

3. Each Fund transferred all of its assets to a comparable fund or portfolio in the Quest for Value family of funds (the "Quest Funds") in exchange for shares of the comparable fund or portfolio having a net asset value equal to the aggregate net asset value of the applicable Fund at the close of business on the business day immediately preceding the closing date. The closing on the transactions described in this notice occurred on the following dates: Prime Fund—September 16, 1991; U.S. Government Income Plus Fund, Classic Growth Fund, and Balanced Fund—November 4, 1991; Treasury Fund, Tax-Free Fund, Global Growth Fund, and Global Income Fund—December 2, 1991. Simultaneously with the closing, each Fund distributed to its shareowners *pro rata* the shares of the corresponding Quest Fund which it received in the exchange.

4. Expenses applicable to the transactions consisted primarily of accounting, printing, administrative, and certain legal expenses and were allocated among eight Funds in proportion to each Fund's respective net assets, except to the extent such expenses were directly attributable to a particular Fund, in which case expenses were allocated to that Fund. The expenses allocated to each Fund were estimated as follows: Prime Fund—$70,000; U.S. Government Income Plus Fund—$46,000; Classic Growth Fund—$34,000; Balanced Fund—$27,000; Treasury Fund—$31,000; Tax-Free Fund—$25,000; Global Income Fund—$29,000; Global Growth—$62,000. these expenses were borne by the Funds. No brokerage commissions were paid in connection with the transactions.

5. As of the date of the application, applicant had no shareholders; to its knowledge, had no assets or liabilities; and was not a party to any current or pending litigation or administrative proceeding.

6. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

7. As soon as practicable following receipt of the order requested by the application, applicant intends to file Articles of Dissolution with the Department of Assessments and Taxation of Maryland in accordance with Maryland law.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7365 Filed 3–30–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18630; File No. 812–7525]

Teachers Insurance and Annuity Association of America; Exemption Order

March 24, 1992.

AGENCY: Securites and Exchange Commission ("SEC").

ACTION: Notice of application for an order of exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Teachers Insurance and Annuity Association of America ("TIAA"), the College Retirement Equities Fund ("CREF"), and the College Credit Trust (the "Trust").

RELEVANT 1940 ACT SECTIONS: Order requested under sections 17(b) and 6(c) for exemption from section 17(a) and under section 17(d) and rule 17d–1 approving certain transactions.

SUMMARY OF APPLICATION: Applicants seek an order exempting and approving the proposed transactions whereby TIAA and the College Entrance Examination Board have created the Trust for the purpose of making educational loans, and CREF, through its Stock Account, will be a principal investor in the Trust, acquiring a portion of its interest in the Trust directly or indirectly from TIAA upon receipt of the requested relief. The Student Loan Marketing Association will administer the Trust and the loans, and provide related services.

FILING DATE: The application was filed on May 30, 1990 and amended and restated on December 14, 1990, October 3, 1991 and January 29, 1992.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on April 20, 1992. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Peter C. Clapman, Esq., TIAA–CREF, 730 Third Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Barry D. Miller, Senior Staff Attorney (202) 272–3018, or Heidi Stam, Assistant Chief (202) 272–2060, Office of Insurance Products and Legal Compliance (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. TIAA was established in 1918 as a nonprofit corporation under the New York State Insurance Law to provide retirement benefits and financial security to teachers and other employees of nonproprietary and nonprofit-making colleges, universities, and other institutions engaged in education or research. TIAA offers fixed annuities and insurance benefits funded by its general account. All of the stock of TIAA is held by an entity designated "TIAA Board of Overseers," itself a New York not-for-profit membership corporation organized and existing solely for the purpose of holding TIAA's stock and performing related functions.

2. CREF is a nonprofit membership corporation subject to the Not-For-Profit Corporation Law of New York State and is subject to supervision and regulation by the Superintendent of Insurance of New York and by the insurance regulatory authorities of certain other jurisdictions. It was established by a special act of the New York State Legislature in 1952, for the purpose of providing retirement benefits suited to the needs of the types of institutions and employees served by TIAA. CREF achieves its purpose by issuing variable annuity certificates funded by its investment portfolios, which currently consist of a Stock Account, Money Market Account, Bond Market Account, and Social Choice Account (together with any investment portfolio that might be added in the future, the "Accounts"). Owners of CREF certificates are referred to herein as "Participants." As a membership corporation, CREF is controlled as a technical matter by a group of seven individuals known as "members."

3. CREF is registered as an open-end diversified management investment company under the 1940 Act and the individual variable annuity certificates it issues are registered under the Securities Act of 1933. As of December 31, 1991, CREF's net assets were approximately $47.3 billion.

4. TIAA and CREF are legally distinct entities. However, officers and other employees of TIAA generally are also officers and employees, respectively, of CREF. In addition, the individuals comprising the members of CREF also comprise the members of TIAA Board of Overseers.

5. The College Entrance Examination Board ("The College Board") will be a grantor of, and will otherwise participate with respect to, the Trust. The College Board is a not-for-profit New York corporation and is engaged in a number of activities related to the transition of students from secondary schools to institutions of higher education.

6. The Student Loan Marketing Association ("Sallie Mae") will administer the Trust and the loans and will provide related services. It currently is the major financial intermediary in the U.S. education financing market, with total assets of approximately $45 billion as of December 31, 1991.

7. The Trust has been established and will be governed under the laws of New York. TIAA and The College Board will act as the Trust's grantors pursuant to the terms of the College Credit Trust Agreement (the "Trust Agreement"). In accordance with the Trust Agreement TIAA and The College Board each have contributed $10,000 to the Trust for its initial capital. Each will be responsible for the expenses it incurs in performing its duties as a grantor under the Trust Agreement. The Trust Agreement also provides that The College Board will contribute its time and expertise, at no charge other than minimum fees to cover costs, to counsel educational institutions and students in connection with educational credit matters.

8. Applicants believe that the Trust qualifies for the exemption from registration as an investment company under the 1940 Act provided by section 3(c)(1) for issuers whose securities are held by one hundred or fewer persons and whose securities are not publicly offered. Applicants do not seek an exemption from section 3(c)(1).

9. TIAA will also act as the trustee of the Trust. TIAA as an insurance company, is an eligible lender under the Higher Education Act, which specifies that only certain types of entities can be eligible lenders. 20 U.S.C. 1085(d)(1) (1990). (CREF does not qualify as an eligible lender). Thus, TIAA's participation in the proposed transaction is necessary to enable the Trust to make education loans under that Act. Although as trustee TIAA is legally responsible for the making of loans and other functions of the Trust, its role as trustee will, in fact, be very limited, and will not involve active managerial or other discretionary functions. The Trust Agreement directs TIAA, as trustee, to enter into an agreement with Sallie Mae under which Sallie Mae will perform origination, servicing and related responsibilities. Under that agreement TIAA will not have any duty to review any request to fund an education loan application processed by Sallie Mae, and is not authorized to make any loans for the Trust other than those processed by Sallie Mae. TIAA's role as trustee is required to be limited by section 131(3) of the New York state banking law, which allows a corporation other than a trust company to serve as trustee of a trust only where it acts incidentally to the execution of its expressed powers in a capacity where its duties are, in fact, primarily custodial and ministerial.

10. An agreement among Sallie Mae, TIAA (as trustee), and The College Board (the "Sallie Mae Agreement"), details Sallie Mae's responsibilities with respect to the Trust. Among other responsibilities, Sallie Mae will process loan applications, issue checks for loan proceeds, pay insurance premiums to appropriate guarantee agencies, and take other action necessary for the completion and processing of applications. Sallie Mae is also required, among other things, to: (a) Exercise due diligence in servicing the loans and collecting payments due thereon, and promptly respond to inquiries and communications; (b) file, or assist TIAA in filing, all statements, reports, and bills required to be submitted to governmental agencies; (c) collect insurance payments due from governmental agencies with respect to education loans; (d) receive any payments with respect to loans; (e) furnish TIAA, CREF, The College Board and any additional investors with certain reports and (f) cooperate with The College Board in seeking to obtain other investors to purchase interests in the Trust.

11. As compensation for its services to the Trust, Sallie Mae will receive from the Trust a quarterly fee equal to 0.3125% per annum on the average daily balance of Guaranteed Student Loans ("GSL Loans") (discussed below) held by the Trust during the quarter. The Sallie Mae Agreement provides for that rate to increase on January 1, 1995, using a formula based on the Consumer Price Index. The negotiated 0.3125% fee is within the typical range of Sallie Mae's fee for performing the services related to originating and servicing loans. As compensation for its services in supporting routine Trust administration activities, Sallie Mae will receive an additional amount, payable quarterly, equal to 0.0625% per annum of the average daily balance of the GSL Loans held by the Trust during the period. The special 0.0625% fee, which was specifically considered and negotiated in structuring the Sallie Mae Agreement, relates to the unique services to be provided to the Trust under that agreement. Those unique services arise from trust administration duties that will be undertaken by Sallie Mae. Applicants determined that Sallie Mae's performance of those special administrative services was necessary to maintain TIAA's ministerial role in the transaction.

12. Individuals and institutions will submit applications for student loans directly to the Trust. These applications will be reviewed by Sallie Mae. To the extent Sallie Mae determines that a loan application qualifies under the Guaranteed Student Loan Program ("GSL Program"), it will disburse the loan using funds provided by CREF and any other investor which has committed to participate in the Trust.

13. TIAA is the initial investor in the Trust. It is anticipated that CREF will directly or indirectly acquire TIAA's investment in the Trust as soon as is practicable upon receipt of the relief requested in the application and will assume TIAA's role as the initial investor in the Trust. CREF's investment will be made through its Stock Account, which will utilize the Trust as a vehicle for investment of uninvested cash. (The relief being sought in the application with respect to CREF relates only to its Stock Account. If CREF determines in the future that an investment in the Trust would be appropriate and desirable for any of its other Accounts, further relief will be sought.)

14. In approving the terms of CREF's investment, the Finance Committee of CREF's Board of Trustees ("Board") considered all aspects of the proposed investment, including whether it met the Stock Account's investment objective and was an appropriate investment for the Stock Account's short-term cash balances. In addition CREF's full Board, including a majority of Trustees who are not "interested persons" of CREF within the meaning of section 2(a)(19) of the 1940 Act, approved CREF's participation in the Trust and in the arrangements described in this application.

15. Pursuant to an Equity Contribution Agreement with TIAA (as trustee) ("EC Agreement"), CREF will undertake to make cash contributions to the Trust from time to time, up to a maximum at any one time of $50 million, with the amount ultimately invested dependent upon the level of response to the loan opportunities offered by the Trust. The Trust Agreement contemplates that up to 99 additional investors may be added to the Trust, although no investor may be added until it has executed an Assignment and Assumption Agreement with CREF. Pursuant to that agreement, additional investors generally would have the same rights as CREF has under the EC Agreement. The total amount of loans originated under the program will not exceed limits to be agreed upon by Applicants, the College Board, and Sallie Mae. Currently, it is anticipated that the limit will be $150 million through the period ending when the Higher Education Act (discussed below) comes up for reauthorization, now scheduled for 1992. (References hereinafter to the rights of CREF as an investor in the Trust also apply to any additional investors in the Trust which execute an Assignment and Assumption Agreement with CREF, unless otherwise indicated.)

16. The interest of CREF in the Trust will take the form of equity participation. This participation will entitle CREF and any additional investors to any payment of principal and interest received by the Trust with respect to student loans and any prescribed premiums received by the Trust upon the sale of such loans to Sallie Mae prior to their maturity as set forth in the Sallie Mae Agreement. interests in the Trust will represent interests in an undivided pool of assets, and no assets of the Trust will be segregated or earmarked with respect to any investor in the Trust. Each investor in the Trust will receive the same rate of return, which will be prorated based on the amount and duration of its investment in the Trust. CREF's participation will not entitle it to voting or any other rights relative to the management or operation of the Trust.

17. When Sallie Mae determines that a proposed loan qualifies under the GSL Program, it will contact CREF and seek a cash contribution. Funds contributed by CREF will be disbursed by Sallie Mae for the amount of the loans and the Trust will receive a note in return.

CREF intends to value its investment in the Trust based on the discounted net cash flow it expects to receive from that investment. On the day CREF initially acquires an investment in the Trust, it will value the investment as it would a 91-day fixed debt instrument with a coupon rate equal to the expected net yield that has been determined for the investment during that quarter (as noted above, usually about 200 basis points above the Treasury bill rate for that quarter). Like the value of other fixed return investments, the value of the investment will vary with changes in market interest rates, if rates go up, the value of the investment will go down, and vice versa. CREF will revalue its investment in the Trust daily, taking into account the investment's diminishing maturity and the fluctuations in market interest rates.

Applicants believe that given, among other things, the attractive rate of return applicable to investment in the Trust, CREF's interest in the Trust is highly marketable. Nonetheless, CREF represents that the Stock Account will not hold interests in the Trust in an amount which, when aggregated with other investments of the Trust that are considered illiquid, will equal more than

ten percent of the Stock Account's net assets.

18. All of the loans to be made by the Trust will be guaranteed by an appropriate state guaranty agency in accordance with various provisions of part B of title IV of the Higher Education Act, and will be of three types. Most of the loans will be in the form of GSL Loans, which constitute the principal undergraduate student loans currently offered in the U.S. The other types of loans to be offered by the Trust are Supplemental Loans to Students ("SLS Loans") and Parent Loans to Undergraduate Students ("PLUS Loans").

19. Under a GSL Loan, the U.S. Department of Education ("DOE") will pay interest (including the stated interest rate on the loan and an interest supplement called a "special allowance") to the Trust quarterly at a rate that is equal to the average of the bond equivalent rates of 91-day Treasury bills auctioned for that calendar quarter plus 3.25% applied to the average outstanding principal balance of the loans during the calendar quarter. It is expected that the Trust will retain loans until approximately seven months before a loan enters repayment. When a loan enters repayment, the obligation of DOE to pay the stated interest rate on the loan to the holder of the obligation terminates. Sallie Mae generally will purchase the loans from the Trust 210 days before the change to repayment mode. Sallie Mae is contractually obligated to purchase the education loans from the Trust.

20. Sallie Mae will purchase GSL Loans from the trust at a price equal to 100.25% of the principal amount plus 100% of the accrued interest payable as of the date of the sale. Sallie Mae's obligations to purchase GSL Loans from the Trust is unconditional. Thus, it bears the risk on loans fraudulently or negligently originated or serviced.

21. Only CREF funds will be utilized for purposes of making an SLS or PLUS loan. SLS and PLUS Loans will make up a very limited part of the program. Therefore, limiting the investment in those loans to CREF will provide administrative efficiency by consolidating organization and maintenance of such loans. The risks to CREF are the same as the risks to CREF with respect to the GSL Loans. Pursuant to the Sallie Mae Agreement, they will be purchased by Sallie Mae within 30 days of their disbursement at a price equal to 101% of their principal amounts, plus all accrued interest payable thereunder as of the date of the sale.

22. CREF's return on SLS and PLUS Loans is expected to be the same as on GSL Loans, except that CREF will receive a premium of 0.5% above the principal amount of SLS and PLUS Loans upon Sallie Mae's purchase of such loans. This premium reflects a sharing of the administrative cost savings between the Trust and CREF. The Finance Committee of CREF's Board has approved the entire transaction, including the Stock Account's investment in the SLS and PLUS Loans and whether the return will be commensurate with the risk assumed.

23. All payments relating to principal on any loan made by the Trust (including payments paid or prepaid by the borrower), any principal amount received from a state guaranty agency, and the portion of the purchase price representing the principal balance of a loan purchased by Sallie Mae, will be allocated (a) if the payment relates to a GSL Loan, to CREF and any additional investors, and (b) if the payment relates to an SLS or PLUS Loan, to CREF only, as described above.

24. All interest received on GSL Loans (including accrued interest paid by Sallie Mae in connection with its purchase of a loan from the Trust), will be allocated first to CREF at a rate calculated for each calendar quarter following the loans's origination applied to the outstanding principal balance of the loans during the calendar quarter equal to the average of the bond equivalent rates of 91-day Treasury bills auctioned for that calendar quarter. Then, it will be allocated to The College Board at a rate calculated for each calendar quarter following the loan's origination equal to 0.72% per annum calculated on the outstanding principal balance of the loan in which it was originated. Any remaining balance will be allocated to CREF and any additional investors. Interest on SLS or PLUS Loans (including accrued interest paid by Sallie Mae), will be allocated to CREF only.

25. Payments representing the prescribed premium portion of the purchase price paid by Sallie Mae to the Trust for a loan will be allocated (a) with respect to GSL Loans, 100% to The College Board, and (b) with respect to SLS and PLUS Loans, 50% to The College Board and 50% to CREF only.

26. All other income earned or received by the Trust, including income earned on any deposits investments of the Trust, will be allocated 95% to CREF and any additional investors, and 5% to The College Board, except that any income earned on TIAA's or the College Board's initial $10,000 capital contribution will be allocated to TIAA or The College Board, as the case may be. CREF and any additional investors will receive allocations of such other income to the extent they relate to GSL Loans; only CREF will receive any allocation related to SLS and PLUS Loans.

27. Expenses of the Trust and any originating or servicing fees and expenses in excess of those provided for in the Sallie Mae Agreement will be allocated to CREF if the expense is attributable to SLS or PLUS Loans, and to CREF and any additional investors if the expense is attributable to GSL Loans. Other expenses generally will be allocated 95% to CREF and any additional investors, and 5% to The College Board.

28. The Trust generally will not maintain or hold the cash it receives. Rather, amounts it receives as interest, premiums on the sale of a loan, or principal payments will be paid out to CREF and any additional investors or The College Board, as the case may be, on a current basis, net of any losses or expenses. Thus, amounts relating to principal an premium payments will be distributed as promptly as practicable by Sallie Mae. Amounts representing interest payments on behalf of the borrowers from DOE will be distributed, net of Sallie Mae's compensation, as promptly as practicable by Sallie Mae after the receipt of the quarterly payment from DOE.

29. In general, principal payments received on GSL Loans will be allocated first to CREF and then, to the extent such payments exceed the amount CREF has contributed to the Trust that were applied to GSL Loans, to additional investors pursuant to an agreed upon formula. This arrangement is designed to reduce the Trust's administrative expenses by avoiding numerous distributions of small amounts to additional investors. Additional investors (if any) will, however, receive payments of principal before CREF where an additional investor has determined to sell its entire interest in the Trust and Sallie Mae has elected to purchase loans from the Trust to fund the Trust's purchase from such additional investor. All distributions on SLS and PLUS Loans will be made to CREF.

30. The return on CREF's equity participation in the Trust will be based on the interest paid to the Trust by DOE under the GSL Loans, and the prescribed premiums paid by Sallie Mae upon its purchase for its own account of SLS and PLUS Loans at 1% above their principal amount. These amounts will be reduced by the total fee of 0.375% to be paid to Sallie Mae for its services to the Trust and any other expenses incurred by the

Trust. Even after expenses, it is anticipated that the remaining return should be about 2.00% above the ten-current Treasury bill rate. Since CREF's participation is on an equity ownership basis, there is no coupon rate attached to the investment as such, and CREF's actual return will be based on the availability of the funds flowing into the Trust from the DOE and from Sallie Mae's actual purchase of student loan notes.

31. The EC Agreement gives CREF the right to terminate its obligation to make additional contributions to the Trust upon 180 days notice. Pursuant to that provision, it must still make any contribution requested by Sallie Mae up to the end of the notice period, but thereafter its obligation ceases. In addition, CREF may be able to withdraw from participation in the Trust in two ways. First, it can contact Sallie Mae and request that it determine if there is another investor available which would take an assignment from CREF and purchase its equity participation in the Trust. If such an investor were found, it would make an investment in the amount of CREF's total investment to date, and that amount would, in turn, be paid to CREF. Second, if such other investor could not be found, TIAA as trustee would request that Sallie Mae purchase student loans in the Trust's portfolio in amounts sufficient to repay CREF's equity contributions; however, Sallie Mae would be under no obligation to do so. Applicants believe that CREF's agreement to provide 180 days notice of withdrawal to the Trust, which, like the other material aspects of the EC Agreement, was negotiated at arm's length, is fair and equitable in view of the significant benefits to CREF provided by the EC Agreement as a whole.

32. To expedite the operation of the Trust, on October 10, 1990, TIAA entered into a set of agreements (the "October 10 Agreements") which are substantially similar to the agreements entered into by CREF and pursuant to which TIAA is obligated to immediately invest in the Trust independently of CREF. It is intended that TIAA's role as an equity investor in the Trust under the October 10 Agreements will continue only until CREF receives the relief requested in the application, at which time CREF will directly or indirectly purchase TIAA's entire investment, and the October 10 agreements will terminate.

33. The principal difference between the October 10 agreements and the agreements entered into by CREF is that the October 10 Agreements provide TIAA with more favorable termination provisions which are designed solely to permit TIAA to sell to CREF its entire investment in the Trust as soon as is practicable following the granting of the relief sought by the Application. The continuation or termination of TIAA's investment in the Trust is not, by the terms of the October 10 Agreements, contingent on any action or inaction by CREF. During the course of TIAA's investment, its board of trustees will decide to increase, decrease, hold, or sell its investment in the Trust on an ongoing basis, according to whether the Trust remains a suitable investment for TIAA. Applicants intend, however, that if the relief requested is obtained, CREF will obtain TIAA's entire investment in the Trust. It will do so either by purchasing TIAA's investment directly from TIAA or by making an investment in the Trust. In the latter case, the proceeds of CREF's investment in the Trust would be used by the Trust to immediately redeem TIAA's investment. In either case, the sale or redemption will be at par value and not designed to produce a profit for TIAA. Any interest earned on the assets represented by TIAA's investment in the Trust during the quarter in which the sale to CREF occurs, will be allocated on a *pro rata* basis to each of TIAA and CREF, according to the number of days during that quarter that each holds the interest in the Trust attributable to TIAA's investment in the Trust. Applicants further intend that TIAA's entire equity investment (other than its $10,000 contribution as grantor) in the Trust will be terminated upon CREF's investment in the Trust.

Applicant's Legal Analysis

1. Applicants acknowledge that TIAA could be deemed an affiliated person of CREF by virtue of the common identity of the members of CREF and the members of TIAA Board of Overseers as well as the common identity of many of their executive officers. Applicants also acknowledge that TIAA, as trustee and grantor of the Trust, could be deemed to be an affiliated person of the Trust. That, in turn, could make the Trust an affiliated person of an affiliated person of CREF.

2. Therefore, CREF's investment in the Trust could involve transactions prohibited under section 17(a) (CREF's purchase of an interest in the Trust and the Trust's redemption of such interest, as well as CREF's purchase, directly or indirectly, from TIAA of its investment in the Trust), and participation in a joint enterprise in contravention of section 17(d) and rule 17d–1 thereunder. In view of the foregoing, Applicants request an order of exemption from the Commission pursuant to sections 17(b) and 6(c) from section 17(a), and pursuant to section 17(d) and rule 17d–1 thereunder, to the extent necessary to permit Applicants to participate in the Trust as set forth in the agreements and described in the application, and for CREF to acquire TIAA's investment in the Trust and for TIAA to sell, either directly or indirectly through redemption of TIAA's investment by the Trust, such interest to CREF. Applicants submit that the terms of the proposed investment by CREF in the Trust and the terms of CREF's purchase of TIAA's investment in the Trust each satisfy the standards set forth in sections 17(b) and 6(c) and rule 17d–1, and that granting the relief is therefore appropriate.

3. CREF's proposed participation in the Trust has been reviewed by CREF's Board of Trustees and has been approved by the Board, including a majority of the Trustees who are not "interested persons" within the meaning of the Act, as being fair and reasonable. The Trustees have found that CREF's participation would be consistent with its investment policies. CREF's proposed participation in the Trust is fair and reasonable in that it will provide the Stock Account with the ability to achieve what CREF believes is a highly favorable rate of return (about 2% above the Treasury bill rate) on a portion of its "cash" assets. The return CREF expects to receive on its Trust investment is as favorable or more favorable than it could expect to receive on other short-term investments of amounts up to the $50 million it is obligated to invest in the Trust, without exposing CREF to a greater degree of credit risk.

4. TIAA's proposed sale to CREF of its investment in the Trust is fair and reasonable in that the sale will not be designed to produce a profit for TIAA and will enable CREF to purchase at partisan value all of TIAA's investment in the Trust and thereby participate in the Trust as described herein. The benefits of CREF's participation are described above.

5. There is no overreaching on the part of any of the parties involved in the establishment or operation of the Trust or in the sale to CREF of TIAA's investment in the Trust. TIAA's participation as grantor and trustee is consistent with its fundamental purpose of aiding education and is important to the Trust because of its high visibility in the academic community. TIAA's current role as an equity investor in the Trust was necessary to expedite the operation of the Trust, pending receipt

of the relief necessary for CREF to participate in the Trust. TIAA's proposed sale to CREF of its investment in the Trust is designed to allow the Trust to operate in the manner contemplated by the agreements once the requested relief is granted and to limit TIAA's role in the Trust to that of grantor and trustee.

6. TIAA's role as grantor and trustee is very limited and presents it with no opportunity for a direct pecuniary benefit other than any *de minimis* return it may receive from the return on its $10,000 initial Capital. It will exercise virtually no control over the operation of the Trust. The agreements among the parties were all negotiated at arm's length, as all of the parties or their representatives are sophisticated and well-established in the financial community. TIAA's role as an investor in the Trust pursuant to the October 10 agreements will not overlap with CREF's investment in the Trust, and the sale of its investment at part value will not be designed to involve any profit for TIAA.

7. Sallie Mae's role is critical to the viability of the Trust. Without Sallie Mae's unique expertise the Trust simply could not achieve its purpose. The compensation to be received by Sallie Mae, and the terms upon which it may purchase loans from the Trust reflect an arm's length agreement, are consistent with the realities of the marketplace, and are appropriate for the level of services to be provided by Sallie Mae.

8. CREF's participation will be on a basis that is as favorable as any other investor. The only way other investors may participate in the Trust is by entering into an assignment and assumption agreement which, in effect, would grant those investors the same rights as CREF. CREF's purchase of TIAA's investment will be on a basis that is at least as favorable to CREF as such a sale would be to any other person. As noted above, the sale will be at par value and will not be designed to produce any profit for TIAA. Any interest earned on TIAA's investment during the quarter in which the sale occurs will be allocated between TIAA and CREF on a *pro rata* basis according to the number of days each holds the assets attributable to TIAA's investment in the Trust during that quarter.

9. The proposed investment by CREF in the Trust is consistent with the stated investment policies of the Stock Account. A portion of the Stock Account's assets may be invested in short-term or other instruments in addition to the traditional equity investments it makes to utilize cash balances more effectively. The maximum investment currently contemplated to be made by CREF, $50 million, represents an immaterial amount of the Stock Account's assets, which currently are approximately $44 billion.

10. The proposed transactions are consistent with the policies and purposes of the Act, and are in the best interest of CREF's Participants. CREF's participation in the Trust is consistent with exemptive relief previously granted by the Commission. None of the specific concerns enumerated in the eight paragraphs of section 1(b) of the 1940 Act as affecting the public interest are raised by the arrangements described herein. No disclosure issues should be raised. The actions to be taken by CREF raise no inference of being done for the benefit of any CREF Trustee, officer, or employee, or TIAA. All participants in the Stock Account will benefit equally from CREF's investment in the Trust. There is no question of undue concentration of control of CREF or any particular vulnerability to improper accounting methods. No reorganization or excessive borrowing is involved. The *de minimis* nature of the transaction and CREF's large size make it plain that the adequacy of CREF's assets will not be threatened. The transactions provide CREF's Participants with an opportunity for a highly favorable return at low risk and in a manner that does not unfairly enrich any of the other parties to the arrangement at CREF's expense.

11. CREF's participation in the Trust is consistent with the policies and purposes of the 1940 Act in that it is beneficial to CREF Participants and does not put CREF at a disadvantage with respect to, or involve overreaching by, any of the other parties. Its purchase of TIAA's investment in the Trust is necessary to enable CREF to participate in the Trust in the manner contemplated by the agreements. CREF's participation has also been approved by CREF's Board of Trustees, including a majority of its disinterested Trustees.

12. Because Applicants seek exemptions for a class of prospective transactions, Applicants also seek exemption pursuant to section 6(c). Applicants submit that the terms of the relief request are appropriate under section 17(b) and, therefore, are also consistent with the standards enumerated in section 6(c).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7366 Filed 3-30-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6156 Filed 3-30-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of the establishment of Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel.

Notice is hereby given of the establishment of the Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel. The Federal Aviation Administrator is the sponsor of the

advisory committee, which will consist of members nominated by the Administrator and confirmed by the Secretary of Transportation as representatives of a broad perspective of the aviation community involving pilot and aviation maintenance technician recruitment, training, utilization, and retention. The panel will examine the existing and future supply of pilots and aviation maintenance technicians for civil and military aviation and will make recommendations for alleviating potential shortages. (For the purposes of this panel, "aviation maintenance technician" is defined as any person who works to maintain an aircraft, aerospace vehicle, or component thereof in an airworthy condition.)

The Secretary of Transportation has determined that the information and use of the panel are necessary in the public interest in connection with the performance of duties imposed on FAA by law. Meetings of the panel will be open to the public except as authorized by Section 10(d) of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: The Deputy Associate Administrator for Regulation and Certification (AVR-2), 800 Independence Avenue, S.W., Washington, DC, 20591; telephone 202-267-7804.

Issued in Washington, DC, March 25, 1992.

Daniel C. Beaudette,

Executive Director of the Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel.

[FR Doc. 92-7344 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In February 1992, there were two applications approved in part.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph (d) of § 158.29.

PFC Applications Approved in Part

Public Agency: Muscle Shoals Regional Airport Authority
Application Type: Impose and Use PFC Revenue
PFC Level: $3.00
Total Approved PFC Revenue: $104,100
Earliest Permissible Charge Effective Date: June 1, 1992
Duration of Authority to Impose: February 1, 1995
Class of Air Carriers not Required to Collect PFC's: None
Brief Description of Projects Approved:
Terminal building renovation—phase I.
Perimeter access road.
Taxiway B—phase II.
Taxiway B—phase III.
Brief Description of Projects Disapproved:
Taxiway/runway signs.
Perimeter security fence.
Emergency radio equipment
Pavement vacuum equipment.
Vacuum storage and maintenance facility.
Rehabilitate runway 11-29.
Aircraft rescue and fire fighting vehicle.
Terminal building renovation—phase II.

Determination: These projects were disapproved in accordance with § 158.33(a)(1), which requires the public agency to begin implementation of a project no later than 2 years after receiving approval to use PFC revenue on that project.

Decision Date: February 18, 1992.

FOR FURTHER INFORMATION CONTACT: Elton E. Jay, FAA Jackson Airport District Office, 601-965-4628.

Public Agency: Clark County Department of Aviation
Application Type: Impose at McCarran International Airport and use, either now or in the future, at McCarran International Airport, North Las Vegas Air Terminal, and Sky Harbor Airport.
PFC Level: $3.00
Total Approved PFC Revenue: $428,054,380
Earliest Permissible Charge Effective Date: June 1, 1992
Duration of Authority To Impose: The Clark County Department of Aviation is authorized to impose a PFC at McCarran International Airport until the earliest of (1) 30 years from the charge effective date or (2) the date on which the total PFC revenue plus interest thereon equals the allowable cost of the approved projects. For this approval, that amount is $428,054,380. Based on information submitted by the Clark County Department of Aviation, FAA estimates the charge expiration date to be February 1, 2004.
Class of Air Carriers Not Required to Collect PFC's: Air Taxi/Commercial Operators filing FAA Form 1800-31
Brief Description of Projects Approved:
- Impose for Future Use at McCarran:
  Flood control projects.
  Runway 7R-25L extension.
  Railroad track relocation.
  Charter/international terminal apron expansion.
  Land acquisition: Topaz subdivision.
  Land acquisition: Ldn 70, Enterprise.
  Land acquisition: Portions of Park 2000.
  Land acquisition: Runway 19R protection zone.
  Land acquisition: Ldn 70, Pecos/Sunset area.
  Land acquisition: Swenson Street, airport-related ground transportation.
- Impose at McCarran and use at Sky Harbor Airport:
  Master plan and FAR Part 150 program.
  Environmental assessment on the acquisition of Sky Harbor Airport.
- Impose at McCarran and use at McCarran:
  Concourse C expansion—terminal.
  Concourse C expansion—apron.
  Terminal remodel—west of rotunda.
  Part 150 program update.
  West side flood control study.
  Noise mitigation programs.
  Airfield study and environmental assessment.
  Land acquisition: west of fence.
  Land acquisition: Russell/Burnham subdivision.
  Land acquisition: Runway 1R protection zone.
  Land acquisition: Ldn 75, severe noise exposure.
  Land acquisition: Paradise Shopping Center.
  Land acquisition: Gold Dust area.

Brief Description of Projects Approved in Part:
- Impose at McCarran for future use at McCarran: Runway 1L-19R air carrier update.
- Impose at McCarran and use at North Las Vegas Air Terminal: North Las Vegas Air Terminal improvements.
- Impose at McCarran and use at McCarran:
  Airport rescue and fire fighting training facility.
  Charter/international terminal.
  Bond issuance costs.
  Debt service reserve funding.

Brief Description of Projects Deferred:
Airport connector—tunnel portion.
Airport connector—southern access roadway.

Airport connector—Paradise road portion.

Land acquisition: airport connector—southern access roadway right-of-way.

Determination: FAA decision deferred at the request of Clark County.

Decision Date: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriquez, FAA San Francisco Airports District Office, 415–876–2805.

Issued in Washington, DC on March 24, 1992.

Leonard L. Griggs, Jr.,

Assistant Administrator for Airports.

[FR Doc. 92–7204 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

[Summary Docket No. PE–92–10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 20, 1992.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No._____, 800 Independence Avenue, SW., Washington, DC. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 24, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 26183
Petitioner: Air Transport Association of America
Sections of the FAR Affected: 14 CFR 61.157 and part 121, appendix H
Description of Relief Sought/ Disposition: To allow the use of a Phase II simulator for upgrade training to pilot-in-command and the certification check required by FAR § 61.157, provided the pilot has previously qualified and served as second-in-command.

Dispositions of Petitions

Docket No.: 26517.
Petitioner: Era Aviation, Inc.
Sections of the FAR Affected: 14 CFR 133.51.
Description of Relief Sought/ Disposition: To permit ERA Aviation, Inc. to perform certain rotorcraft external-load operations (i.e., offshore oil drilling operations) in the United States using a Canadian-registered AS–332L Aerospatiale Helicopter Super Puma. *Grant, March 18, 1992, Exemption No. 5421.*

Docket No.: 26578
Petitioner: American Airlines
Sections of the FAR Affected: 14 CFR 43.3(a), 121.378(a), and 121.709(b)(3)
Description of Relief Sought/ Disposition: To allow non-certificated ground and flight personnel employed by American Airlines to remove and replace spent passenger reading light bulbs from its McDonnell Douglas DC–10, MD–11, MD–80, Fokker F–100, and Aerospatiale A–300 aircraft. *Partial Grant, March 18, 1992, Exemption No. 5420.*

Docket No.: 26611
Petitioner: Air Logistics
Sections of the FAR Affected: 14 CFR 135.63(c).
Description of Relief Sought/ Disposition: To allow Air Logistics to omit listing the center of gravity (c.g) limits for each flight on the load manifest. *Denial, March 18, 1992, Exemption No. 5419.*

Docket No.: 26636.
Petitioner: Carson City Sheriff's Department.
Sections of the FAR Affected: 14 CFR 61.118.
Description of Relief Sought/ Disposition: To permit members of the Carson City Sheriff's Aero Squadron to be reimbursed for fuel, oil, and maintenance expenses while performing official duties involving the use of member-provided aircraft on authorized search and location missions for the Carson City Sheriff's Department. *Partial Grant, March 13, 1992. Exemption No. 5416.*

Docket No.: 26673
Petitioner: Fine Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief Sought/ Disposition: To permit Fine Airlines, Inc., to submit a request for approval of a retrofit schedule after the June 1, 1990, deadline to the Flight Standards Division Manager in the region of the certificate holding district office. The petitioner is seeking temporary relief from the January 2, 1991 compliance date, for the installation of a low altitude windshear warning system. *Grant, March 17, 1992, Exemption No. 5417.*

Docket No.: 26799.
Petitioner: ABX Air, Inc.
Sections of the FAR Affected: 14 CFR 91.805.
Description of Relief Sought/ Disposition: To allow the operation of five noncomplying Stage 1 DC–9–32 aircraft (Registration No. N987AX, Serial No. 47364; Registration No. N989AX, Serial No. 47314; Registration No. N988AX, Serial No. 47084; Registration No. N985AX, Serial No. 47522; and Registration No. N986AX, Serial No. 47543) from Madrid, Spain, to Dayton, Ohio, for customs, and then to Wilmington, Ohio, to obtain modification to bring the subject aircraft into compliance with Stage 2 noise levels under FAR part 36. *Grant, March 19, 1992, Exemption No. 5422.*

Docket No.: 36800.
Petitioner: Patriot Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief South/Disposition: To permit Patriot Airlines, Inc., to submit a request for approval of a retrofit schedule after the June 1, 1990 deadline to the Flight Standards Division Manager in the region of the certificate holding district office. The petitioner is seeking temporary relief from the January 2, 1991 compliance

date, for the installation of a low altitude windshear warning system. *Grant, March 17, 1992, Exemption No. 5418.*

[FR Doc. 92-7345 Filed 3-30-92; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 92-02; Notice 1]

Notice of Receipt of Petition for Determination That Nonconforming 1989 Mercedes-Benz 200E Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1989 Mercedes-Benz 200E passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1989 Mercedes-Benz 200E that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATE: The closing date for comments on the petition is April 30, 1992.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Anaheim, California (Registered Importer No. R-90-007) has petitioned NHTSA to determine whether 1989 Mercedes-Benz 200E, Model ID 124.021 passenger cars are eligible for importation into the United States. The vehicle which G&K believes is substantially similar is the 1989 Mercedes-Benz 260E, Model ID 124.026, and it has submitted information indicating that Mercedes-Benz of North America offered the 1989 Mercedes-Benz 260E for sale in the United States. This model was manufactured by Daimler-Benz A.G. and was certified as conforming to all applicable Federal motor vehicle safety standards. The petitioner alleges that the 260E and nonconforming 200E model vehicles differ "mainly in engine size and minor comfort or cosmetic options which go with it."

The petitioner stated that it had carefully compared the 200E with the U.S.-companion model 260E, and found that they were substantially similar with respect to most applicable Federal motor vehicle safety standards. The petitioner further observed that manufacturers generally design only a few basic body shells, which they equip with a wide array of engine-size and other opinion, and that many models such as the 200E and the 260E are structurally the same. The petitioner expressed the option that every model does not find its way into every market, however, owing to saleability considerations or changes in restrictions such as emission control requirements.

G&K submitted information with its petition intended to demonstrate that the 1989 model 200E, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1989 model 260E that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1989 model 200E is identical to the certified 1989 model 260E with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *., 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated.

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* Modification of the electrical circuit powering the brake failure indicator lamp so that it activates when the ignition switch is turned to the "on" position.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies; (b) modification of models equipped with integral parking lamps and headlamps to permit the parking lamp to be activated independently of the headlamp; (c) installation of front and rear sidemarker lamps and reflex reflectors; (d) installation of U.S-model taillamp assemblies; (e) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshild pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components:* Replacement of rear door locks with U.S.-model equipment.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a seat belt-actuated microswitch in the driver's seat belt to permit activation of the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

Standard No. 214 *Side Door Strength:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1989 model 200E must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, coments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 30, 1992.

Authority: 15 U.S.C. 1397 (c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: March 25, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-7286 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds; Name Change: CNA Casualty of Puerto Rico

CNA Casualty of Puerto Rico a Puerto Rico Corporation, has formally changed its name to Integrand Assurance Company, effective February 13, 1992. The company was last listed as an acceptable surety on Federal bonds at 56 FR 30137, July 1, 1991.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30149 to reflect this change.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued effective February 13, 1992 under sections 9304 to 9308, title 31, of the United States Code to Integrand Assurance Company, San Juan, Puerto Rico. This Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of $2,002,000 established for the company as of July 1, 1991, remains unchanged until the July 1, 1992, revision is published, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6765.

Dated: March 25, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92-7370 Filed 3-30-92; 8:45 am]

BILLING CODE 4810-35-M

United States Customs Service

[T.D. 92-30]

Approval of SGS Hawaii, Inc., as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of approval of SGS Hawaii, Inc., as a commercial gauger.

SUMMARY: SGS Hawaii, Inc., of Aiea, Hawaii recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that SGS Hawaii Inc., meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, SGS Hawaii Inc., is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-2446).

Dated: March 26, 1992.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 92-7369 Filed 3-30-92; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Tax on Certain Imported Substances; Amendment to Notice of Determination

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice.

SUMMARY: This notice amends the determination published in the **Federal Register** on June 13, 1990 (55 FR 24023) that added polyethylene terephthalate pellets to the list of taxable substances in section 4672(a)(3) of the Internal Revenue Code.

EFFECTIVE DATE: This amendment is effective as of January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 566-4475 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Backgound

On June 13, 1990, a Notice of Determination was published in the **Federal Register** (55 FR 24023), adding polyethylene terephthalate pellets to the list of taxable substances in section 4672(a)(3) of the Internal Revenue Code, effective as of April 1, 1990. The prescribed rate of tax was $6.30 per ton, based upon a conversion factor for ethylene of 0.1470 and a conversion factor for xylene of 0.5507. At that time the rate of tax imposed on xylene under section 4661(b) was $10.13 per ton.

HTS number: 3907.60.00
Schedule B number: 3907.60.0000
CAS number: 25038–59–9

Amendment

On January 1, 1992, the rate of tax imposed on xylene under section 4661(b) decreased to $4.87 per ton. Accordingly, the rate of tax prescribed for imported polyethylene terephthalate pellets that are first sold or used after December 31, 1991, is $3.40 per ton.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–7277 Filed 3–30–92; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 9:00 a.m. April 3, 1992.

PLACE: Public Hearing Room, Suite 700, 625 Indiana Avenue, NW., Washington, DC 20004.

STATUS: Closed. Exemption 1; Exemption 7; Exemption 9; and Exemption 3, but in the case of Exemption 3, only to the extent unclassified controlled nuclear information may be disclosed.

MATTERS TO BE CONSIDERED: Deliberation regarding Savannah River Site, South Carolina.

FOR MORE INFORMATION CONTACT: Robert M. Andersen, General Counsel, (202) 208–6387.

Dated: March 27, 1992.

Robert M. Andersen,

General Counsel.

[FR Doc. 92–7451 Filed 3–27–92; 10:44 am]

BILLING CODE 6820–KD

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: to be published on March 30, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, April 2, 1992.

CHANGES IN THE MEETING: Change in the time of the *open* meeting to *9:00 a.m.*, Thursday, April 2, 1992.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7456 Filed 3–27–92; 11:14 am]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:00 a.m., Monday, April 6, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7498 Filed 3–27–92; 2:45 pm]

BILLING CODE 6210–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Failure To Publish Notice of Meeting in the **Federal Register** (transcript of the open portion of the meeting is available by contacting Executive Court Reporting Service 301–565–0064).

TIME AND DATE: 9:30 a.m., Wednesday, March 18, 1992.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20024.

STATUS: The first item is open to the public. The last item is closed under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

5059C—Revised Aviation Accident Report: United Airlines Flight 811, Boeing 747–122, Honolulu, Hawaii, February 24, 1989. (NTSB–AAR–90/01).

5664—Opinion and Order: Administrator v. Ewert, Docket SE–9968; disposition of respondent's appeal.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: March 27, 1992.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 92–7499 Filed 3–27–92; 2:46 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 30, April 6, 13, and 20, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 30

Tuesday, March 31

9:00 a.m.
Discussion of Internal Management Issues (Closed—Ex. 2)

10:00 a.m.
Discussion of Nuclear Safety and Safeguards in the Former Soviet Union and Eastern Europe (Closed—Ex. 1)

Thursday, April 2

2:00 p.m.
Briefing on Pending Investigations (Closed—Ex. 5 and 7)

3:30 p.m.
Briefing by Executive Branch (Closed—Ex. 1)

Friday, April 3

10:00 a.m.
Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)—
a. Motion to Dismiss Petitions for Intervention in Shoreham Decommissioning Proceeding
b. Final Rule Entitled "Uranium Enrichment Regulations" (Tentative)
c. Revisions to Procedures to Issue Orders: Challenges to Orders that are Made Immediately Effective—10 C.F.R. Part 2 (Tentative)
d. Appeal from Seabrook Order LBP–91–24 Disposing of Last Outstanding Emergency Planning Issue (Tentative)

Week of April 6—Tentative

Friday, April 10

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 13—Tentative

Thursday, April 16

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 20—Tentative

Monday, April 20

10:00 a.m.
Briefing on Proposed Update of Source Term, Release Timing, Definition of Releases into Containment, and TID–14844 (Public Meeting)

Tuesday, April 21

2:00 p.m.
Briefing on Progress of Design Certification Review and Implementation (Public Meeting)

Friday, April 24

10:00 a.m.
Periodic Briefing on Progress of Resolution of Generic Safety Issues (Public Meeting)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

1:30 p.m.
Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)

ADDITIONAL INFORMATION: By a vote of 5–0 on March 24, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Briefing on Incident at Russian Reactor at Sosnovyy Bor" (Public Meeting) be held on March 24 and on less than one week's notice to the pubic.

NOTE: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the Status of Meeting Call (Recording)—(301) 504–1292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: March 26, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–7494 Filed 3–27–92; 2:04 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 205

Federal Funds Transfers

Correction

In proposed rule document 92-6574, beginning on page 10102, in the issue of Monday, March 23, 1992, make the following corrections:

1. On page 10103, in the first column, under *Delaying Implementation*, in the third line, "the" should read "they".

2. On the same page, in the second column, in the first full paragraph, in the eighth line, "full-fledged" was misspelled.

3. On page 10105, in the first column, in the second full paragraph, in the tenth line, "actually" was misspelled.

4. On the same page, in the same column, in the third full paragraph, in the last line, insert "funding" after "advance".

5. On the same page, in the third column, in the tenth line, "and" should read "end".

6. On page 10106, in the first column, under *Transfers to Non-State Entities*, in the second line, insert "a" after "is".

7. On the same page, in the 2d column, under **Regulatory Analysis**, in the 12th line, "reduct" should read "reduce".

§ 205.2 [Corrected]

8. On page 10107, in the first column, in § 205.2, under the definition for *Disburse*, in the first line, insert "a" after "of".

9. On page 10108, in the first column, under the definition for *Secretary*, in the fifth line, "Secretary's" should be capitalized.

§ 205.5 [Corrected]

10. On page 10109, in the third column, in § 205.5(a), in the fifth line, "January" was misspelled; and in the sixth line, "1985" should read "1995".

11. On the same page, in the same column, in § 205.5(b), in the second line, "State" should read "States".

12. On page 10110, in the first column, in § 205.5(b)(3), in the first line, insert "shall" after "State".

§ 205.6 [Corrected]

13. On the same page, in the second column, in § 205.6(f), in the third line, "project" should read "projected".

§ 205.12 [Corrected]

14. On page 10113, in the first column, in § 205.12(a)(2), in the third line, "account" should read "accounting".

§ 205.16 [Corrected]

15. On page 10114, in the second column, in § 205.16(a)(2), in the fourth line, "The" should be capitalized the second time it appears.

Appendix A [Corrected]

16. On page 10115, in the first column, in the first line of the heading for **Appendix A**, "**or**" should read "**of**".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8359]

RIN 1545-AI86

Permitted Disparity With Respect to Benefits and Contributions

Correction

In rule document 91-21923 beginning on page 47610 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47611:

a. In the third column, under "*1. Plans Not Eligible*", in the first paragraph, in the fifth line, "311(a)" should read "3111(a)".

b. In the same column, under "*1. Plans Not Eligible*", in the second paragraph, in the first line, "312(b)(7)" should read "3121(b)(7)".

2. On page 47612, in the second column, in the third full paragraph, in the last line, insert "," after "allowance".

3. On page 47613, in the second column, in the first full paragraph, in the third line, "commerce" should read "commence".

4. On page 47614:

a. In the first column, under "*5. Overall Permitted Disparity*", in the second paragraph, in the fifth line, "great" should read "greater".

b. In the same column, under "*5. Overall Permitted Disparity*", in the 3d paragraph, in the 10th line, "parity" should read "disparity"; and in the seventh line from the bottom, after "any" insert "plan".

§ 1.401(a)(5)-1 [Corrected]

5. On page 47615:

a. In the first column, in § 1.401(a)(5)-1(d)(2), in the first line, after "defined" insert "benefit".

b. In the 2d column, in § 1.401(a)(5)-1(e)(2), in the 16th line, after "5-plan-year" insert "period".

§ 1.401(l)-1 [Corrected]

6. On page 47620, in the second column, in § 1.401(l)-1(c)(17)(i), in the seventh line, "without" should read "within".

§ 1.401(l)-2 [Corrected]

7. On page 47622, in the second column, in § 1.401(l)-2(e), in *Example 5*, in the sixth line, "employees" should read "employee's".

§ 1.401(l)-3 [Corrected]

8. On page 47625:

a. In the first column, in § 1.401(l)-3(c)(2)(iv), in the sixth line from the top of the page, "package" should read "percentage".

b. In the same column, in § 1.401(l)-3(c)(2)(v), in the eighth line, "package" should read "percentage".

c. In the same column, in § 1.401(l)-3(c)(2)(vi), in the sixth line, "employer" should read "employee".

d. In the 3d column, in § 1.401(l)-3(c)(3), in *Example 4*, in the 10th line from the bottom, "and 0.75-percent" should read "the 0.75-percent".

e. In the same column, in § 1.401(l)-3(c)(3), in *Example 5*, in the eighth line from the bottom, "package" should read "percentage".

9. On page 46727:

a. In the first column, in § 1.401(l)-3(d)(9)(ii), in the ninth line from the top, "specified" should read "specifies".

b. In the 2d column, in § 1.401(l)-3(d)(9)(iii)(B), in the 10th line, "specified" should read "specifies".

c. In the third column, in § 1.401(l)-3(d)(10), in *Example 1* (b), in the third

line from the bottom, "0.65 percent" should read "0.50 percent".

10. On page 47628, in the first column, in § 1.401(l)-3(d)(10), in *Example 4*, in the first line, "*Example (4)*" should read "*Example 4*".

11. On page 47630:

a. In the first column, in § 1.401(l)-3(e)(6), in *Example 4*, the paragraph after the table, in the fourth line, after "percentage" insert "under".

b. In the 2d column, in § 1.401(l)-3(e)(6), in *Example 4*, in the 11th line, after "percent of" insert "the".

d. In the same column, in § 1.401(l)-3(e)(6), in *Example 6*, in the second line from the bottom of the page, after "average" insert "annual".

§ 1.401(l)-4 [Corrected]

12. On page 47633, in the second column, in § 1.401(l)-4(c)(3)(iii)(A), in the third line, "employees." should read "employees,".

13. On page 47634, in the first column, in § 1.401(l)-4(e)(3)(i), in the first line, after "retirement" insert "covered".

§ 1.401(i)-5 [Corrected]

14. On page 47635, in the 3d column, in § 1.401(l)-5(b)(9), in *Example 1* (a), in the 12th column, "disparity" was misspelled.

15. On page 47636, in the third column, in § 1.401(l)-5(c)(3)(i), in the third line from the top, "after" should read "before".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8360]

RIN 1545-AM95

Nondiscrimination Requirements for Qualified Plans

Correction

In rule document 92-21924 beginning on page 47524 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47524, in the 2d column, in the 12th line, "§ 411(d)-4" should read "§ 1.411(d)-4".

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, after the second paragraph, the headings should appear as follows:

"Explanation of Provisions

Development of Final Regulations

Coordination With Other Regulations"

3. On page 47525:

a. In the first column, in the first full paragraph, in the fourth line, insert "the" after "with".

b. In the same column, in the third full paragraph, in the second line, "employes" should read "employers".

c. In the second column, in the sixth full paragraph, in the third line, insert "provided" after "benefits".

d. In the third column, in the second full paragraph, in the first line, "requirements" should read "requirement".

4. On page 47527, in the second column, in the first full paragraph, in the third line, "benefits" should read "benefit".

5. On page 47532, in the first column, in the third line, "rules" should read "rule".

6. On page 47533, in the 2d column, in the 2d full paragraph, in the 13th line, "provided" should read "provide".

7. On the same page, in the same column, in the last paragraph, in the last line, insert a period after "rules".

8. On page 47534, in the second column, in the second full paragraph, in the third line from the bottom, "permits" should read "permit".

9. On page 47535, in the third column, in the last paragraph, in the ninth line, "establish" should read "established".

§ 1.401(a)(4)-0 [Corrected]

10. On page 47539, in the third column, in § 1.401(a)(4)-0, in *§ 1.401(a)(4)-8*(d)(2), in the second line, "of" should read "to".

11. On page 47540, in the third column, in § 1.401(a)(4)-0, in *§ 1.401(a)(4)-13*(f)(2)(ii), "Additional" should read "Addition".

§ 1.401(a)(4)-2 [Corrected]

12. On page 47545, in the third column, in § 1.401(a)(4)-2(c)(2)(v), in the ninth line from the bottom, insert "a" after "as"; and in paragraph (c)(3)(i), in the third line, "401" should read "410".

§ 1.401(a)(4)-3 [Corrected]

13. On page 47548, in the third column, in § 1.401(a)(4)-3(b)(3)(ii), in *Example 2*, in the seventh line, the first "of" should read "for".

14. On page 47549, in the first column, in § 1.401(a)(4)-3(b)(4)(ii), in *Example 2*, in the seventh line, "36" should read "35".

15. On the same page, in the second column, in § 1.401(a)(4)-3(b)(4)(ii), in *Example 3*, in the fifth line from the top, insert "the" after "is".

16. On page 47551, in the third column, in § 1.401(a)(4)-3(b)(8)(xii)(B), in the sixth line, insert "the" after "date".

17. On page 47552, in the third column, in § 1.401(a)(4)-3(b)(8)(xiii)(D)(*2*), in the tenth line, "in" should read "is".

18. On page 47553, in the third column, in § 1.401(a)(4)-3(c)(2), in the first line, "(1)" should read "(i)"; and in the third line from the bottom, "more" should read "most".

19. On page 47556, in the first column, in § 1.401(a)(4)-3(d)(1)(iii), in the third line from the bottom, "year" should read "years".

20. On page 47562, in the first column, in § 1.401(a)(4)-3(d)(6)(iv)(A), in the fourth line from the bottom, the first "all" should read "at".

21. On page 47567, in the first column, in § 1.401(a)(4)-3(f)(2), in the eighth line, "4125(d)(1)" should read "415(d)(1)".

§ 1.401(a)(4)-4 [Corrected]

22. On page 47568, in the third column, in § 1.401(a)(4)-4(b)(1), in the third line, "year" should be removed.

23. On page 47569, in the first column, in § 1.401(a)(4)-4(b)(2)(ii)(A), in the second line, "current" should read "currently".

24. On page 47571, in the first column, in § 1.401(a)(4)-4(d)(4)(i), all of the first paragraph designated "(A)" should be removed (three lines).

25. On page 47572, in the third column, in § 1.401(a)(4)-4(e)(3)(viii), in the third line, "§ 1.401(m)-(f)(12)" should read "§ 1.401(m)-1(f)(12)".

§ 1.401(a)(4)-5 [Corrected]

26. On page 47573, in the second column, in § 1.401(a)(4)-5(a)(6), in *Example 4*, in the tenth line, "ration" should read "ratio"

§ 1.401(a)(4)-6 [Corrected]

27. On page 47578, in the first column, in § 1.401(a)(4)-6(b)(4)(ii)(B), in the fifth line, insert "year" after "plan" the first time it appears.

28. On the same page, in the 2d column, in § 1.401(a)(4)-6(c)(1), in the 16th line, "§ 1.401(b)-5" should read "§ 1.410(b)-5".

29. On page 47579:

a. In the first column, in § 1.401(a)(4)-6(c)(4)(D), in the fourth line, "and" should read "an"

b. In the third column, in § 1.401(a)(4)-6(c)(5), in *Example* (c), the first line should read "accrual rate is 1.88 percent, the lesser of the C rate and the D rate.".

§ 1.401(a)(4)-8 [Corrected]

30. On page 47582, in the second column, in § 1.401(a)(4)-8(b)(3)(v), in the first line, "*sections*" should read "*section*".

31. On the same page, in the third column, in § 1.401(a)(4)-8(b)(3)(vi), in the second line, "7 5" should read "7.5".

32. On page 47583:

a. In the first column, in § 1.401(a)(4)-8(c)(2)(i), in the fourth line, insert "benefit" after "defined".

b. In the second column, in § 1.401(a)(4)-8(c)(2)(i)(D), in the last line, "of" should read "for".

c. In the same column, in § 1.401(a)(4)-8(c)(2)(ii), in the 9th line, "§ 1.401(a)(4)(a)(4)-3(d)(2)(ii)(A)" should read "§ 1.401(a)(4)-3(d)(2)(ii)(A)"; in the 14th line, "§ 401(a)(4)-3(d)(6)(vi)" should read "§ 1.401(a)(4)-3(d)(6)(vi)"; and in the 17th line, "employee's" should read "employees' ".

d. In the third column, in § 1.401(a)(4)-8(c)(3)(i), in the tenth line, "analogous" was misspelled.

33. On page 47584, in the first column, in § 1.401(a)(4)-8(c)(3)(iii)(B), in the seventh line, "§ 401(a)(4)-2(b)(3)" should read "§ 1.401(a)(4)-2(b)(3)".

34. On the same page, in the third column, in § 1.401(a)(4)-8(c)(3)(v)(A), in the eighth line, "the" should read "that".

35. On page 47585, in the first column, in § 1.401(a)(4)-8(c)(3)(vi), in the fourth line, "retirement" was misspelled.

§ 1.401(a)(4)-9 [Corrected]

36. On page 47587, in the second column, in § 1.401(a)(4)-9(b)(2)(iii), in the fifth line, "§ 1.401(a0(4)-8(b)(2)(i)" should read "§ 1.401(a)(4)-8(b)(2)(i)"

§ 1.401(a)(4)-11 [Corrected]

37. On page 47592, in the second column, in § 1.401(a)(4)-11(d)(3)(iii), in the last line, "§ 1.401(a)-7" should read "§ 1.410(a)-7"

38. On page 47593, in the second column, in § 1.401(a)(4)-11(g)(3)(v)(B), in the tenth line, "harbors" was misspelled.

§ 1.401(a)(4)-12 [Corrected]

39. On page 47595, in the second column, in § 1.401(a)(4)-12, in the definition for "*Plan*", in the second line, remove one of the "§ ".

40. On the same page, in the third column, in § 1.401(a)(4)-12, in the seventh line from the top, "of" should read "for".

41. On page 47596, in the second column, in § 1.401(a)(4)-12, in the sixth line from the top, insert "4" after "(b)-".

42. On the same page, in the same column, in § 1.401(a)(4)-12, in the fifth full paragraph, "*employees.*" should read "*employee.*".

§ 1.401(a)(4)-13 [Corrected]

43. On page 47598, in the 1st column, in § 1.401(a)(4)-13(a), in the 17th line, "401(b))" should read "410(b))".

44. On page 47599, in the second column, in § 1.401(a)(4)-13(c)(7), in *Example 2* (c)(2), in the last line, remove "percent".

45. On page 47601, in the third column, in § 1.401(a)(4)-13(e)(2)(ii), in the fourth line from the bottom, "assumption" should read "assumptions".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8361]

RIN 1545-A066

Definition of Compensation for Qualified Plans

Correction

In rule document 91-21925 beginning on page 47659 in the issue of Thursday, September 19, 1991, make the following correction:

1. On page 47659, in the second column, under **EFFECTIVE DATE**, in the fifth line, "§ 1.414(s)-(1(i)" should read "§ 1.414(s)-1(i)

2. On the same page in the third column, in the heading "**Compensation Safe Harbors Under Section 415(c)(5) * * ***" should read "**Compensation Safe Harbors Under Section 415(c)(3) * * ***"

3. On page 47660, in the first column, in the last paragrph, in the ninth line, "The" should read "This".

§ 1.414(s)-1 [Corrected]

4. On page 47666, in the third column, in § 1.414(s)-1, in paragraph (g)(2), in the first line, *Determination* was misspelled.

§ 1.415-2 [Corrected]

5. On page 47667, in the third column, in § 1.415-2, in paragraph (d)(3)(iii), in the second line, "disposition" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8362]

RIN 1545-AO62

Limitation on Annual Compensation for Qualified Plans

Correction

In rule document 91-21926, beginning on page 47603, in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47604, in the third column, in the first full paragraph, in the third line, "samples" should read "examples"; and in the seventh line, "data" should read "date".

2. On page 47605, under **Special Analyses**, in the first line, "In" should read "It"; and in the second line, insert "rules" after "major".

§ 1.401(a)(17)-1 [Corrected]

3. On page 47608, in the third column, in § 1.401(a)(17)-1(e)(4)(iii)(B), in the sixth line, "the plan year" should read "the last plan year".

4. On page 47609:

a. In the first column, in § 1.401(a)(17)-1(e)(4)(iii)(B)(*5*), in the fifth line, "(e)(4)(iii)(a)" should read "(e)(4)(iii)(A)".

b. In the same column, in paragraph (e)(5), in *Example 1.* (a), in the 4th line, "average" should read "averaged"; and in the 28th line, "the" should read "that".

c. In the second column, in paragraph (e)(5), in *Example 2.*, in the tenth line, "average" should read "averaged".

d. In the third column, in paragraph (e)(5), in *Example 5.* (a), in the third line, insert "the" after "that".

e. In the same column, in paragraph (e)(5), in *Example 6.* (a), in the last line, "§ 1.40(a)(4)-13(d)(6)(i)(B)" should read "§ 1.401(a)(4)-13(d)(6)(i)(B)".

10. On page 47610:

a. In the 1st column, in § 1.401(a)(17)-1(e)(5), in *Example 6.* (b), in the 11th line, insert "is" after "section"; and in *Example 6.* (b)(1), in the second line, insert "is" after "benefit".

b. In the same column, in paragraph (e)(5), in *Example 6.* (b)(4), in the last line, "$222,200" should read "$222,220".

c. In the same column, in paragraph (e)(5), in *Example 6* (b)(5), in the fourth line, "the" should read "this".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASRY

Internal Revenue Service

26 CFR Part 1

[T.D. 8363]

RIN 1545-AK41

Minimum Coverage Requirements

Correction

In rule document 92-21927 beginning on page 47638 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47638, in the first column, under **Explanation of Provisions**, in the heading, "**Section 410(c) * * ***" should read "**Section 410(b) * * ***.

2. On page 47639, in the third column, under *7.Excludable Employees:*, in the second paragraph, in the last line, "services" should read "service".

§ 1.410(b)-0 [Corrected]

3. On page 47642, in the second column, in § 1.410(b)-0, in *§ 1.410(b)-6*, the "(2)" appearing two lines above "(f)"should read "(e)".

4. On the same page, in the second column, in § 1.410(b)-0, in *§ 1.410(b)-6*(h)(2),the second "(2)" should read "(i)".

§ 1.410(b)-3 [Corrected]

5. On page 47644, in the third column, in § 1.410(b)-3(a)(3), under *Example 2.*, in the third line, after "least" insert "age".

§ 1.410(b)-4 [Corrected]

6. On page 47645, in the 2d column, in § 1.410(b)-4(b), in the 17th line, after "criteria" insert "having".

7. On the same page, in the third column, in § 1.410(b)-4(c)(4)(iii), in the last line, after "benefit" insert "test".

§ 1.410(b)-5 [Corrected]

8.On page 47646, in the third column, in § 1.410(b)-5(d)(3), in the second line, "(1)" should read "(i)"; and in the sixth line, after "employees" insert "employee".

9. On page 47647, in the second column, in § 1.410(b)-5(d)(5)(vi), in the seventh line, insert "employee" after "employee's".

10. On page 47648, in the first column, in § 1.410(b)-5(d)(8)(i), in the second line, "and" should read "any".

11. On page 47652, in the first column, in § 1.410(b)-5(f)(1), in the fifth line, "of" should read "or"; and in the seventh line, "benefits" should read "benefit".

§ 1.410(b)-7 [Corrected]

12. On page 47655, in the second column, in § 1.410(b)-7(b), in the fifth line, "§ 414(l)-1(b)" should read "§ 1.414(l)-1(b)".

13. On page 47656, in the third column, in § 1.410(b)-7(e)(2), in the *Example*, in the second undesignated paragraph, in the seventh line, "§ 1410(b)-5" should read "§ 1.410(b)-5.".

§ 1.410(b)-9 [Corrected]

14. On page 47657, in the second column, in § 1.410(b)-9, in the third paragraph, in the fourth line, "§ 1.410(l)-1(c)(16)(i)"should read "§ 1.401(l)-1-(c)(16)(i)".

15. On page 47658, in the first column, in § 1.410(b)-9, in the sixth paragraph, in the fifth line, "§ 1.401(k)-(a)(4)(i)" should read "§ 1.401(k)-l(a)(4)(i)".

§ 1.410(b)-10 [Corrected]

16. On the same page, in the 3d column, in § 1.410(b)-10(b)(2), in the 10th line, "410(A)(ii)" should read "410(b)(2)(A)(ii)"; and in the 11th line, "410(b)(2)(b)(2)(B)" should read "410(b)(2)(B)".

BILLING CODE 1505-01-D

federal register

Tuesday
March 31, 1992

Part II

Federal Emergency Management Agency

Radiological Emergency Preparedness Program Documents and Guidance Memoranda; Correction Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness Program Documents and Guidance Memoranda; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Correction of notice of availability; final editions of REP Program Documents and status of Federal Emergency Management Agency (FEMA) Radiological Emergency Preparedness (REP) Guidance Memoranda (GM).

SUMMARY: This notice corrects and supersedes an incomplete notice published earlier in the **Federal Register**. The Federal Emergency Management Agency announces that final editions of the REP Exercise Manual (FEMA–REP–14) and the REP Exercise Evaluation Methodology (FEMA–REP–15) are available for distribution to the public. The Statement of Considerations Document (FEMA–REP–18) will be available in March 1992. These documents affect REP Guidance Memoranda, the status of which is set out in this notice.

EFFECTIVE DATE: The referenced final documents (FEMA–REP–14 and FEMA–REP–15) are effective upon publication. FEMA–REP–15 should be used for exercises where planning activities (i.e., establishment of exercise objectives) are initiated subsequent to December 31, 1991.

FOR FURTHER INFORMATION CONTACT: William F. McNutt, Office of Technological Hazards, State and Local Programs and Support, Federal Emergency Management Agency, 500 C St., SW., Washington, DC 20472, (202) 646–2857.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency inadvertently omitted certain materials in its notice of availability of FEMA Radiological Emergency Preparedness (REP) documents published in the **Federal Register**, 57 FR 4880, dated February 10, 1992. Today's notice corrects and supersedes the previous notice in its entirety.

FEMA–REP–14

Provides the policy and program foundation for the exercise components of FEMA's REP Program. It covers two areas: (1) Policies and procedures related to planning for conducting, evaluating and reporting on REP Program exercises and (2) policies underlying a set of exercise objectives that interpret and apply the guidance contained in NUREG–0654/FEMA–REP–1, Revision 1, and Supplement 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" for exercise-related functions. The guidance contained in this document is intended for use by involved State and local governments, licensees, Federal agencies and other offsite support organizations.

FEMA–REP–15

Provides an instrument, using a set of 33 exercise objectives, for documenting the performance of offsite organizations in REP exercises. This document also addresses medical emergency drills. The documentation of exercise performance secured through the use of this document is used by FEMA and other Federal agencies to evaluate the adequacy of offsite planning and preparedness as demonstrated in exercises. As published in final, this document supersedes the interim-use EEM issued in May 1988.

FEMA–REP–18

Provides information to REP Program constituents on the nature and disposition of over 2,000 comments received on the draft REP Exercise Manual (January 1991) and the EEM (February 1991) by notice in the **Federal Register**, 56 FR 12734, March 27, 1991. FEMA–REP–18 also provides an overview of the major changes in policies and procedures related to FEMA's exercise program and a summary of the resolution of the issues raised at Federal, Regional and constituent meetings held around the country.

Alternative Approaches

A provision is incorporated in FEMA–REP–14 and FEMA–REP–15 for participating offsite response organizations to propose alternative approaches to the guidance incorporated in REP Program documents, including FEMA–REP–14 and FEMA–REP–15. Proposals for alternative approaches should be submitted by offsite organizations to appropriate FEMA Regional Directors for review and recommendation and FEMA Headquarters disposition. When FEMA approves such alternative approaches, FEMA will evaluate the involved organization's plan and demonstration of its emergency preparedness capabilities in exercises based on the approved alternative approaches.

Status of FEMA REP Guidance Memoranda (GM)

Upon the issuance of FEMA–REP–14 and FEMA–REP–15, the current status of FEMA GMs is set forth below. The following GMs are retained as operative with no changes.

1. GM IT–1: A Guide to Documents Related to the REP Program.
2. GM 4: Radio Transmission Frequencies and Coverage.
3. GM 5: Agreements Among Governmental Agencies and Private Parties.
4. GM 8: Regional Advisory Committee Coordination With Utilities.
5. GM 16: Standard Regional Reviewing and Reporting Procedures for State and Local Radiological Emergency Response Plans.
6. GM 20: Foreign Language Translation of Education Brochures and Safety Messages.
7. GM 21: Acceptance Criteria for Evacuation Plans.
8. GM 22: Recordkeeping Requirements for Public Meetings.
9. GM 24: Radiological Emergency Preparedness for Handicapped Persons.
10. GM PI–1: FEMA Action to Pilot Test Guidance on Public Information Materials and Provide Technical Assistance On Its Use.
11. GM FR–1: Federal Response Center.
12. GM AN–1: FEMA Action to Qualify Alert and Notification Systems Against NUREG–0654/FEMA–REP–1 and FEMA–REP–10.

Some guidance in the following GMs has been clarified or changed with the issuance of guidance contained in FEMA–REP–14 and FEMA–REP–15. FEMA intends to revise the GMs listed below.

1. GM EV–2: Protective Actions for School Children—Guidance in FEMA–REP–14 supersedes pages 6–13 concerning the following: (1) Clarification of guidance related to the demonstration of protective action capabilities for schools in exercises and (2) modifications to the set of questions as reflected in the Points of Review and Demonstration Criteria in Objective 16 of FEMA–REP–15.

2. GM IN–1: The Ingestion Exposure Pathway—Guidance in FEMA–REP–14 and FEMA–REP–15 supersedes Pages 12–17.

3. GM PR–1: Policy on NUREG–0654/FEMA–REP–1 and 44 CFR 350 Periodic Requirements—Guidance in FEMA–REP–14 supersedes two parts of the guidance contained in GM PR–1. These two changes are: (1) The provision set forth on page 3 (section 3) for partial

participation in ingestion exercises for States with multiple sites located within their borders has been terminated. Per guidance provided in the Manual, such States would only need to partially participate in ingestion exercises when full participation exercises are conducted in bordering States, and (2) During the year in which the full-participation ingestion exercise is held at one of the sites, the responsible State and local governments should review their plans and procedures for the other sites within the State to verify their accuracy and completeness. This review should validate the identification of farms, food processors and distributors. This review and any resultant revisions should be made and reported in the Annual Letter of Certification, as described in GM PR–1, as part of their annual review and plan update.

4. GM MS–1: Medical Services (MS)—Guidance contained in Sections D.20 and D.21 of the Manual supersedes GM MS–1 with respect to the following: (1) Minimum staffing for medical facilities, (2) deferral of radiological monitoring by transportation providers to medical facility staff, and (3) the role of licensee personnel in supporting State and local government medical services functions.

The following GMs are superseded in their entirety upon publication of the Manual.

1. GM EX–1: Remedial Exercises.

2. GM EX–2: Staff Support in Evaluating REP Exercises.

3. GM EX–3: Managing Pre-Exercise Activities and Post-Exercise Meetings.

Status of Technical REP–Series Documents

Three interim-use documents have been published by FEMA: (1) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 1–Airborne Release (FEMA–REP–2, Revision 2, June 1990), (2) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 2–The Milk Pathway (FEMA–REP–12, September 1987), and (3) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 3–Water and Non-Dairy Food Pathway (FEMA–REP–13, May 1990). These documents provide technical guidance on offsite emergency instrumentation. While the guidance contained in FEMA–REP–14 and FEMA–REP–15 will necessitate changes in FEMA–REP–2, Revision 2, no changes have been made in the Manual and EEM that significantly modify the guidance contained in FEMA–REP–12 and FEMA–REP–13. FEMA intends to revise FEMA–REP–2, Revision 2.

Status of Policy Memoranda

There are a number of FEMA policy memoranda that address exercise-related and other issues. FEMA has incorporated all of the exercise-related guidance contained in these memoranda into the Manual. Thus, all such guidance contained in these memoranda is superseded by that in the Manual. However, guidance on planning contained in these memoranda is still operative. FEMA intends to consolidate such planning guidance.

Plans and Preparedness Revisions

Any plan revisions necessitated by the guidance in FEMA–REP–14 and FEMA–REP–15 should be made by December 31, 1992. These plan revision should be reported in each State's Annual Letter of Certification. Guidance will be provided later for implementing plan amendments related to the recently published Environmental Protection Agency protective action guides.

As indicated in FEMA–REP–14, further guidance will be forthcoming on the portal and portable monitoring performance standards and protective action strategy for severe core melt accident sequences. When these issues are resolved, appropriate revisions to FEMA–REP–14 and FEMA–REP–15 will be incorporated and made available to REP Program constituents. The format of these documents is structured to permit making changes in these documents as necessitated by future events and experience. While comments are not formally requested on the final edition of these documents, comments and suggestions for improving these documents are always welcome.

To Order Documents

Federal Emergency Management Agency, P.O. Box 70274, Washington, DC 20024. (Please refer to the publication number (FEMA–REP–14, FEMA–REP–15, or FEMA–REP–18) for the REP documents requested.)

Dated: March 9, 1992.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92–7350 Filed 3–30–92; 8:45 am]

BILLING CODE 6718–01–M

federal register

Tuesday
March 31, 1992

Part III

Department of Agriculture

Commodity Credit Corporation

7 CFR Parts 1477 and 1478
Disaster Payment Program and Tree Assistance Program for 1990, 1991, and 1992; Final Rule

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1477 and 1478

Disaster Payment Program and Tree Assistance Program for 1990, 1991, and 1992

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR parts 1477 and 1478 to set forth the regulations for the Disaster Payment Program and Tree Assistance Program (TAP) authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) (Pub. L. 101–624) and the Dire Emergency Supplemental Appropriations Act of 1992 (1992 Act) (Pub. L. 102–229).

7 CFR part 1477 provides the criteria to be used in making assistance available to eligible producers of program and nonprogram crops for certain 1990, 1991, and 1992 crop losses due to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, excessive wind, or related conditions. 7 CFR part 1478 provides the criteria to be used in making assistance available to eligible producers for certain 1990, 1991, and 1992 tree or tree seedling losses.

This final rule sets forth the regulations for determining losses and payments for these producers. In addition, the regulations set forth applicable payment limitations and other program provisions.

EFFECTIVE DATE: March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, Branch Chief, Production Adjustment Branch, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) P.O. Box 2415, Washington, DC, telephone: (202) 720–4696.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified as "major" since the program will have an annual effect on the economy exceeding $100 million. A final regulatory impact analysis is available from the above named individual.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. An Environmental Evaluation with respect to the Disaster Payment Program has been completed. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The titles and numbers of the federal assistance program to which this rule applies are: Title—Cotton—10.052; Feed Grain—10.055; Wheat—10.058; Rice—10.065; as found in the Catalog of Federal Domestic Assistance. This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The reporting requirements of 7 CFR part 1477 have been approved through October 10, 1994, by the Office of Management and Budget (OMB) and assigned OMB No. 0560–0050. Other reporting related to the application for and receipt of disaster assistance has been approved by OMB under OMB No. 0560–0004 and OMB No. 0560–0092.

The 1990 Act provides that the regulations necessary for implementation of these programs are to be issued as soon as practicable and without regard to the requirements for notice and public participation in rule making prescribed in 5 U.S.C. 553 or in any directive of the Secretary of Agriculture.

Public reporting burden for these collections is estimated to vary from 45 minutes to 120 minutes per response, including time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560–0004, 0560–0050, and 0560–0092), Washington, DC 20503.

Background

Title XXII of the 1990 Act sets forth provisions for implementing a disaster assistance program for prevented planting and low yield losses to eligible producers of 1991 wheat, feed grain, upland and extra long staple cotton, rice; peanuts; sugar, tobacco; soybeans; and sunflowers; minor oilseeds; nonprogram crops; including ornamental and nursery crops; and to eligible orchardists that planted trees for commercial purposes.

The 1992 Act provided that $1.75 billion is made available for losses associated with 1990 crops as authorized by the 1990 Act and for losses associated with 1991 and 1992 crops under the same terms and conditions as for 1990 crop losses. Of the $1.75 billion $995 million is made available for payments to eligible producers for losses on either 1990 or 1991 crops on a farm, at the producer's option. The remaining $755 million shall be made available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to Congress. This $755 million shall be made available for crop losses on a farm for one of the years 1990, 1991 or 1992, at the producer's option, but shall not be for a year for which disaster payments were previously provided. $100 million of the $755 million is to be set aside for program crops planted in 1991 for harvest in 1992.

Tree Assistance Program Title XXII of the 1990 Act also provides that, subject to certain limitations, assistance shall be made available to eligible orchardists who planted trees for commercial purposes but lost such trees as a result of freeze, earthquake, or related condition in 1990, 1991, or 1992. To be an eligible orchardist, a person must produce annual crops from trees for commercial purposes and own 500 acres or less of such trees. The 1990 Act provides that eligible orchardists may receive reimbursement of 65 percent of the eligible costs of replanting trees lost due to freeze, earthquake, or related condition in 1989 in excess of 35 percent mortality (adjusted for normal mortality). However the 1990 Act provides that the total amount of such payments that a "person" may receive may not exceed $25,000, and also provides that the regulations defining the term "person" shall be issued for these purposes. The 1990 Act specifies that such regulations shall conform to

the extent practicable to the regulations issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988. These regulations are set forth at 7 CFR part 1497.

Title XXII of the 1990 Act also provides that, subject to certain limitations, assistance is available to eligible tree farmers for part of the eligible costs of replanting seedlings which would have produced trees to be harvested for commercial purposes which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990, or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991, or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992. To be an "eligible tree farmer" the applicant must be a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees. An eligible person may receive reimbursement of up to 65 percent of the cost of replanting seedlings lost due to drought, earthquake, or related condition in 1989 in excess of 35 percent mortality (adjusted for normal mortality). The total amount of such payments that a "person" may receive is, by the terms of the 1990 Act, limited to $25,000. These program provisions are set forth in 7 CFR part 1478 as the Tree Assistance Program (TAP).

The 1990 Act also provides that no person is eligible to receive assistance under the crop disaster payment program or the TAP if the person has "qualifying gross revenues" in excess of $2 million annually, as determined by the Secretary. The 1900 Act defines "qualifying gross revenues" to mean: (1) If a majority of the person's annual income is received from farming, ranching, and forestry operations; the gross revenues from the person's farming, ranching, and forestry operations; and (2) if less than a majority of the person's annual income is from farming, ranching, and forestry operations, the person's gross revenue from all sources. For purposes of determining a "person", 7 CFR part 1478 provides that the provisions of 7 CFR part 1497 shall be used. The provisions of § 1497.3 refer only to farming operations. However, the gross revenue determination requires the review of an entity's nonfarm income. Accordingly for purposes of determining whether two or more entities shall be considered one "person", the income from all entities, whether or not an individual entity is engaged in farming, shall be used.

Generally, these regulations provide that assistance under TAP will be available only for approved costs which may be based on the average or the actual costs for the replanting practices as determined by CCC. Further, as required by sections 2259 and 2265 of the 1990 Act, provision is made in the regulations to avoid duplicative payments where assistance was provided under another Federal program such as the Conservation Reserve Program (7 CFR part 704) or the Forestry Incentives Program (7 CFR part 701).

The regulations allow only for assistance to reimburse producers to plant seedlings to replace the lost trees or seedlings, as appropriate. Under these regulations, commercial nurseries will not generally be eligible for assistance. In order to receive assistance applicants must be engaged in the business of growing trees for the production of annual crops for commercial purposes or the person must be in the business of growing trees for harvest, and must have suffered losses of plants planted as tree seedlings. Assistance will not be made available for plants grown at the site by the applicant from seed, or grown for resale as live plants.

It has been determined that providing relief in the form of seedlings would be costly and inefficient due to distribution difficulties and the lack of seedlings available for distribution. Accordingly, all assistance shall be made by CCC by means of a check issued by CCC.

Program and Nonprogram Crop Disaster Payment Program

The 1990 Act also provides assistance from CCC with respect to any losses of production on a farm which are in an amount equal to at least 40 percent on the farm, or 35 percent if a producer had crop insurance, in order to be eligible to receive on disaster payment. For producers who had losses in an amount which is less than such amounts producers on the farm who received crop advance deficiency payments in the applicable disaster year will not be required to refund that portion of such advance which would otherwise be required to be refunded if market prices increase to a level which would require repayment in accordance with section 107C of the Agricultural Act of 1949 (the 1949 Act), as amended. Because market prices did not in either 1990 or 1991 increase to a level would it require such a refund, this provision does not apply to either 1990 or 1991 crops.

The 1990 Act established the basic payment rates which will be used in making disaster payments. The actual payment rates are 65 percent of the basic payment rate established for each crop. For producers who are enrolled in the acreage reduction programs for target price commodities, the basic payment rate is the target price of the commodity. For producers of target price commodities who are not enrolled in these programs and for enrolled program crops planted in excess of the permitted acres as flex acres on another enrolled program crop's permitted acres the basic payment rate is the basic county loan rate established for the commodity. With respect to peanuts, the basic payment rate is the national price support rate determined for quota peanuts or additional peanuts, as applicable. For sugar beets and sugarcane, the basic payment rate will be set at a level which is fair and reasonable in relation to the level of price support established for the crops. With respect to kinds of tobacco for which price support loans are made available, the basic payment rate is the national average loan rate. For other kinds of tobacco, soybeans, sunflowers, and all other crops for which payments are authorized to be made by the 1990 Act, State committees shall establish the basic payment rate as the simple average price received by producers of the commodity during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest.

The 1990 Act also provides that the Secretary shall consider as separate crops and develop separate payment rates, insofar as is practicable, for different varieties of the same commodity for which there is a significant difference in economic value. Accordingly, 7 CFR part 1477 provides that basic payment rates will be established for separate varieties taking into account market factors to the extent reliable data is available.

For purposes of determining the total quantity of nonprogram crops that producers on a farm are able to harvest, the 1990 Act provides that the Secretary shall exclude: (1) Commodities that cannot be sold in normal commercial channel of trade and; (2) dockage, including husks and shells, if such dockage is excluded in determining the yields used to establish the eligibility of producers on a farm to receive a disaster payment. Accordingly, 7 CFR part 1477 provides that of such quantities will be excluded from actual production when making loss of production determinations.

The disaster payment acreage for producers of target price crops who are

enrolled in the applicable year's programs is the sum of the acreage planted for harvest and the acreage prevented from being planted to such crop because of a natural disaster as determined by the Secretary but not to exceed the permitted acreage established for the farm for the commodity to be paid at the target price for the crop and the acreage planted in excess of the permitted acres as flex acres on another enrolled program crop's permitted acres paid at the loan rate for the crop. With respect to producers of the target price commodities who are not enrolled in the applicable year's programs, the disaster payment acreage is the sum of the acreage planted for harvest and the acreage that producers were prevented from planting to such crop because of a natural disaster as determined by the Secretary. Such prevented planting shall not exceed the greater of: (1) The planted and approved prevented planted acreage of the crop in the year minus the disaster crop year's actual planted acreage of the crop or (2) a quantity equal to the average of the three prior year's acreage planted and approved prevented planted acreage of the crop minus the applicable disaster year's actual planted acreage of the crop. The amount of payments made available, with respect to producers of target price commodities who are not enrolled in the acreage reduction programs for the applicable year, and to acreages of enrolled program crops planted in excess of permitted acres as flex acres on another enrolled program crops permitted acres, will be reduced by a factor equivalent to the acreage reduction percentage (ARP) which was established for the applicable year's crop.

Disaster payment acreage provisions of the 1990 Act which are applicable to peanuts, sugar beets, sugarcane, tobacco, soybeans, sunflowers, and nonprogram crops are similar to the provisions used to establish such acreages for producers of target price commodities who are not enrolled in the applicable year's programs. Variations, however, exist with respect to peanuts and tobacco to take into account increased marketing quotas for the applicable year which were established for these crops in accordance with the Agricultural Adjustment Act of 1938, as amended. Deficiencies in production of peanuts shall take into account whether the deficiency is in the production of quota or additional peanuts. Such deficiencies in production of quota peanuts shall also take into consideration the quantity of poundage quota transferred from the farm for the applicable crop year. The amount of undermarketings attributable to a farm for the applicable year's crop of burley or flue-cured tobacco or quota peanuts shall be reduced by the quantity for which a disaster payment is made to producers on the farm. In the case of peanuts, this reduction may exceed the actual undermarketings which would result in "negative undermarketings." Any negative undermarketing determined for in the initial sign-up period for either 1990 or 1991 would be deducted when determining the 1992 effective farm poundage quota. Any negative undermarketings determined for 1990, 1991 or 1992 during the subsequent sign-up would be deducted when determining the 1993 effective farm poundage quota. For all crops, adjustments in disaster payment acreages are made in order to take into account crop rotation practices.

In determining whether the producers on a farm have suffered a loss of at least 40 percent, or 35 percent in the case of producer's with crop insurance on a farm, the applicable year farm program payment yield will be used for producers of the target price commodities. With respect to the determination of losses on a farm by producers of (1) tobacco, sugarcane and sugar beets, the county average yield is to be used; (2) peanuts, the program yield is required to be used; and (3) soybeans and sunflowers, the 1990 Act specifies that the yield to be used shall be the State, area, or county yield adjusted for adverse weather conditions during the previous three crop years, as determined by the Secretary.

Nonprogram crop yields are based upon proven yields established from data provided by the producer with respect to at least one of the immediately preceding three crop years. For any year data is not provided, the county average yield, as determined by CCC, shall be substituted. Accordingly, 7 CFR part 1477 provides that these yields, to the extent possible, will be based upon statistics of the National Agricultural Statistics Service (NASS) or other sources which CCC determines to be appropriate.

The Secretary has determined not to exercise the discretionary authority to make additional disaster payments for reductions in quality of crops as a result of damaging weather or related condition. Accordingly, the part does not provide for quality adjustments.

The 1990 Act provides that the quantity on which enrolled producers of the target price commodities would otherwise have earned deficiency payments shall be reduced by the quantity on which a disaster payment has been received.

Producers enrolled in an annual acreage reduction program may devote all or a portion of the permitted acreage to conserving uses or beginning in 1991 to minor oilseeds for payment or receive disaster payments in lieu of the payment which they would have received if the producers were, in fact, prevented from planting such acreage to the program crop or the acreage of the program crop failed because of damaging weather or related condition.

The 1990 Act provides that producers who have obtained crop insurance for the applicable crop year of a commodity, under the Federal Crop Insurance Act (as amended), shall have their disaster payment reduced by the amount by which the sum of the net crop insurance benefits (gross indemnity less premium paid) and the computed disaster payment exceeds the disaster payment acreage times the disaster yield times the applicable basic payment rate for the commodity.

Section 2247(a) of the 1990 Act provides that in order for a producer to receive assistance under that act for 1990 crop losses, the producer must agree to purchase multiple crop insurance under the Federal Crop Insurance Act for the 1991 crop of the commodity for which such assistance is sought. Section 2247(b) provides that producers are exempt from this requirement under 5 specified conditions including the exemption for producers "where, or if, crop insurance coverage is not available * * *." Crop insurance for 1991 crops is not available since all 1991 crops insurance sales availability dates have passed. Accordingly, producers who receive disaster assistance for 1990 crop losses are not required to purchase crop insurance for 1991 crops as a condition of obtaining such assistance.

The 1992 Act requires that assistance to producers with 1991 crop losses be made available "under the same terms and condition" as are applicable to 1990 crop producers. Accordingly, these producers are subject to the same provisions of section 2247(a) of the 1990 Act requiring the purchase of 1992 crop insurance. Similarly the exemption put forth in section 2247(b) is also applicable and, therefore, producers who obtain assistance for 1991 crop losses are not required to obtain crop insurance for their 1992 crops.

The 1990 Act provides that for each "person" the sum of each applicable year's disaster payments made with respect to target price crops, peanuts, sugar beets, sugarcane, tobacco,

soybeans, sunflowers and nonprogram crops shall not exceed $100,000. Additionally, the sum of such payments made in such year and benefits received in accordance with Title VI of the 1949 Act which relate to livestock feed losses for losses in such year will be limited to $100,000. The 1990 Act also provides that no crop disaster payments are to be made to the extent that livestock emergency benefits have been made available for such loss of crop production.

Producers may elect whether to receive benefits, up to the $100,000 limit under the annual crop provisions of the 1990 Act or, in the form of livestock emergency benefits, up to the annual $50,000 limit in accordance with Title VI of the 1949 Act. For the purpose of applying the maximum payment limitation provisions of the 1990 Act "person" determinations are to be made to the extent possible in accordance with the maximum payment limitation provisions of the Food Security Act of 1985. For purposes of determining a "person", 7 CFR part 1477 provides that the provisions of 7 CFR part 1497 shall be used, except that the provision in 7 CFR 1497.8 for combining entities, for purposes of "person" determinations, shall include all similar entities whether or not an individual entity is engaged in farming.

The 1990 Act also provides that the Secretary may permit eligible producers who have crop insurance on the applicable crop or, in certain instances had crop insurance on the crop prior to the applicable crop to substitute the crop insurance yield for a commodity for the program yield established under the 1990 Act. Due to the differences between CCC programs and crop insurance programs with respect to: historical base periods for yield determinations; farm constitutions; the manner in which various cropping practices effect yield determinations and other related issues, it has been determined that this option will not be made available since it would unnecessarily complicate the disaster payment program without resulting in a substantial enhancement of the program.

The 1990 Act also provides that any person who has qualifying gross revenues in excess of $2 million annually shall not be eligible to receive any disaster payment. The 1990 Act provides that qualifying gross revenue means, if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from such operations. With respect to persons who receive less than a majority of their gross income from such operations, the gross revenue from all sources will be considered. For purposes of determining a "person", 7 CFR part 1477 provides that the provisions of 7 CFR part 1497 shall be used, except that the provision in 7 CFR 1497.8 shall include all similar entities whether or not an individual entity is engaged in farming.

List of Subjects

7 CFR Part 1477

Agriculture commodities, Disaster assistance, Fraud, Grant programs/agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1478

Disaster assistance, Grant programs/agriculture, Reporting and recordkeeping requirements.

Final Rule

Accordingly, 7 CFR parts 1477 and 1478 are amended as follows:

1. 7 CFR part 1477 is revised to read as follows:

PART 1477—DISASTER PAYMENT PROGRAM FOR 1990 AND SUBSEQUENT CROPS

Sec.

Authority: 15 U.S.C. 714b and 714c; 7 U.S.C. 1421 note, Pub. L. 101–624; Pub. L. 102–229.

§ 1477.1 General statement.

This part implements a Disaster Payment Program for the 1990, 1991, and 1992 crop years. The purpose of the program is to make disaster payments available to eligible producers on a farm that have suffered a loss in production of 1990, 1991, or 1992 crops, not to exceed two different crop years, due to damaging weather or related condition affecting the crop for the crop year for which a disaster application is made.

§ 1477.2 Administration.

(a) The program will be administered under the general supervision of the Executive Vice President, Commodity Credit Corporation (CCC), and shall be carried out in the field by State and county Agricultural Stabilization and Conservation (ASC) committees.

(b) State and county ASC committees and representatives and employees thereof do not have the authority to modify or waive any of the provisions of this part as amended or supplemented.

(c) The State ASC committee shall take any action required by this part which has not been taken by a county ASC committee. The State ASC committee shall also:

(1) Correct or require a county ASC committee to correct, any action taken by such county ASC committee which is not in accordance with this part, or

(2) Require a county ASC committee to withhold taking any action which is not in accordance with this part.

(d) CCC shall determine all yields and prices determined under this part and may utilize any agency of the Department of Agriculture in making such determinations. To the extent practicable, CCC will use data provided by the National Agricultural Statistical Service (NASS) and the Farmers Home Administration (FmHA). Any reference in this part to NASS shall not restrict CCC from using data from other sources.

(e) No delegation herein to a State or county ASC committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county ASC committee.

§ 1477.3 Definitions.

In determining the meanings of the provisions of this part, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the past and future as well as the present. The following terms shall have the following meanings and all other words and phrases shall have the meanings assigned to them in the regulations governing the reconstitution of farms in part 719 of this title and in the regulations applicable to the production

adjustment programs for feed grains, rice, upland and extra long staple cotton, wheat, and related programs set forth in part 1413 of this chapter.

Actual production means the quantity of the crop actually harvested or which could have been harvested as determined by the county ASC committee in accordance with instructions issued by the Deputy Administrator, State and County Operations (Deputy Administrator), Agricultural Stabilization and Conservation Service (ASCS).

Crop year means the year harvest begins for the crop. However, for valencia oranges affected by a freeze in 1990, 1991 or 1992 and harvested in 1991, 1992, and 1993, respectively, the crop shall be considered to be a 1990, 1991 and 1992 crop respectively.

Disaster payment yield means:

(1) For target price commodities with respect to farms enrolled and not enrolled in the applicable year's acreage reduction program, the farm program payment yield for the applicable year determined in accordance with part 1413 of this chapter;

(2) For peanuts, the applicable year's farm yield determined in accordance with part 729 of this title;

(3) For sugarcane, sugar beets, and all kinds of tobacco the county average yield of the 5 years prior to the applicable disaster year, as determined by NASS, excluding the year in which the yield was the highest and the year in which the yield was the lowest;

(4) For soybeans and sunflowers, the average of the county average yield for the 5 years prior to the applicable disaster year as determined by NASS, adjusted for adverse weather conditions, in accordance with instructions issued by the Deputy Administrator;

(5) For nonprogram crops (including honey per hive), the average of the actual yields for the 3 years prior to the applicable disaster year, in accordance with instructions issued by the Deputy Administrator, if eligible producers are able to provide production evidence of actual crop yields for any of the applicable years. For any year which a producer is not able to provide adequate production evidence, the county average yield for the crop shall be substituted in determining the payment yield. Such county average yield shall be the average of the county average yields for the 5 years prior to the applicable disaster year as determined by NASS, excluding the year in which the yield was the highest and the year in which the yield was the lowest.

Double-cropped means a subsequent crop of a different commodity planted on the same acreage as the first crop. For a crop to be considered double cropped on a farm, there must have been a history of the second crop being planted following the first crop in:

(1) The immediately preceding year, or

(2) In three or more of the immediately preceding 5 years.

Eligible crop means any of the 1990 through 1992 crops of wheat, feed grains, upland cotton, extra long staple cotton, rice, peanuts, oilseeds, sugarcane, sugar beets, tobacco, or nonprogram crops including ornamentals and nursery crops, for which appropriated funds are made available for disaster assistance.

Eligible disaster means damaging weather, including but not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof; or related condition, including but not limited to heat, insect infestation, plant disease, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest as determined by CCC.

Expected production means:

(1) For target price commodities on farms enrolled in the applicable year's acreage reduction program, the disaster payment yield times the sum of the applicable year's actual planted acreage and the applicable crop year's prevented planted acreage of the crop as approved by the county committee, not to exceed the permitted acreage of the crop.

(2) For target price commodities on farms not enrolled in the applicable year's acreage reduction program and for acreage of program crops planted on farms enrolled in such programs which is in excess of the permitted acreage established for the crop in accordance with 7 CFR 1413.11; peanuts; sugarcane; sugar beets; soybeans; sunflowers; tobacco other than burley tobacco; and nonprogram crops, except as provided in paragraphs (3) through (5) of this definition, the disaster payment yield times the sum of:

(i) The applicable year's planted acreage of the crop, and

(ii) The applicable year's prevented planted acreage credited for disaster payment purposes not to exceed the larger of:

(A) The planted and approved prevented planted acreage of the crop in the year immediately proceeding the disaster crop year minus the applicable disaster crop year's planted acreage of the crop, or

(B) A quantity equal to the average of the acreage planted and approved prevented planted of the crop in the three years prior to the disaster crop year minus the applicable disaster year's planted acreage of the crop.

(3) For quota kinds of tobacco other than burley and flue-cured, the expected production as determined according to paragraph (2) of this definition shall not exceed the result of multiplying the applicable year's effective farm acreage allotment times the disaster payment yield.

(4) For burley tobacco, the smaller of:

(i) The applicable year's effective farm marketing quota, including the effective quota resulting from a transfer of quota after June 30 under the natural disaster provisions of part 723 of this title; or

(ii) The disaster payment yield times an acreage determined by dividing the amount in paragraph (4)(i) of this definition by the farm yield established for the farm according to part 723 of this title;

(iii) The disaster payment yield times the sum of the acreage of burley tobacco:

(A) That was planted on the farm in the applicable year, including any approved failed acreage;

(B) For which prevented planted acreage credit is approved by the county committee with respect to the applicable year's crop; and

(C) Determined by dividing the quantity of any unmarketed tobacco on hand from the applicable year's by the disaster payment yield, or

(5) For flue-cured tobacco, the smaller of:

(i) The applicable year's effective farm marketing quota, including the effective quota resulting from a transfer of quota after June 30 under the natural disaster provisions of Part 723 of this title; or

(ii) The sum of:

(A) The quantity determined under the provisions of paragraph (2) of this definition,

(B) The quantity of any unmarketed tobacco on hand from the previous year's crop, and;

(C) The amount by which the farm's applicable year's basic quota exceeds the previous year's basic quota.

(6) With respect to crops planted in a rotation, the most recent corresponding year(s) in the rotation shall be substituted for the 3 prior year's crop for purposes of determining the prevented planted acreage credit.

Initial signup period means the signup period ending March 13, 1992, (or other such date as established by CCC) for assistance for eligible owners who have incurred 1990 or 1991 losses.

Multiple plantings means subsequent plantings in the same crop year of

nonprogram crops and soybeans that are planted or are prevented from being planted on different acreage on a farm and considered different crops for determining disaster benefits in accordance with instructions issued by the Deputy Administrator.

Nonprogram crop means a crop (including ornamentals such as flowering shrubs, flowering trees, field or container grown roses, or turf, and sweet potatoes) produced on a farm for sale or exchange on a commercial basis in a large enough quantity to have a substantial impact on the producer's income, as determined by the county ASC committee in accordance with instructions issued by the Deputy Administrator, which is not a crop of a target price commodity, quota or additional peanuts, sugarcane, sugar beets, tobacco subject to marketing quotas, soybeans or sunflowers.

Operator means the person who is in general control of the farming operations on the farm during the program year.

Person shall mean a person as defined in part 1497 of this chapter, and all rules with respect to the determination of a person found in such part shall be applicable to this part. However, the determinations made in accordance with 7 CFR 1497.8 shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

Producer means producer as defined in accordance with 7 CFR 1413.3.

Qualifying gross revenues means:

(1) With respect to a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the annual gross income from such operations; and

(2) With respect to a person who receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the person's total gross income from all sources.

Repeat crops means a second crop of a commodity planted on the same acreage as the first crop of the commodity.

Replacement crops means a crop planted on an acreage after the failure or prevented planting of the first crop on that same acreage, except for repeat crops, double-cropped crops, for which disaster benefits are not applicable.

Subsequent signup period means the signup period for assistance for 1990, 1991, or 1992 losses which will be held only if the President declares an economic emergency as specified in Public Law 102–229.

Target price commodity means a crop of wheat, corn, grain sorghum, barley, oats, upland and extra long staple (ELS) cotton, or rice.

§ 1477.4 Availability of disaster payments.

(a) A request for assistance under this part made available during the initial signup period must be submitted to CCC at the county office in the county where the farm is located by March 13, 1992 (or such other date as established by CCC). A request for assistance under this part made available during the subsequent signup period must be submitted at the county office by the date specified in a notice published by CCC in the **Federal Register**.

(b) A person as defined in § 1477.3 who has qualifying gross revenues in excess of $2 million shall not be eligible to receive disaster benefits under this part.

§ 1477.5 Disaster benefits.

(a) Disaster payments for prevented planting and low yield losses for eligible crops are authorized to be made to producers who file an Application for Disaster Benefits (Form CCC–441) in accordance with instructions issued by the Deputy Administrator, if:

(1) The farm operator submits an Application for Disaster Credit (Form ASCS–574), in accordance with instructions issued by the Deputy Administrator;

(2) The farm operator submits a report of production and disposition (Form ASCS–658) in accordance with § 1477.9;

(3) The farm operator submits a Certification of Crop Insurance (Form CCC–440) in accordance with § 1477.9; and

(4) The county committee determines that because of an eligible disaster condition, producers on a farm were:

(i) Prevented from planting an eligible commodity, or

(ii) Unable to harvest at least 60 percent (or in the case of producers with crop insurance on such a crop, 65 percent) of the expected production.

(b)(1) The loss of production that shall be used in making a disaster payment shall be that quantity of production in excess of 40 percent (or 35 percent for producers with crop insurance) of expected production on a farm that producers were unable to harvest due to a reduced yield or were prevented from planting due to an eligible disaster condition.

(2) The loss of production for peanuts shall be prorated between quota peanuts and additional peanuts. The loss of production of quota peanuts shall be determined by multiplying the total loss of production for peanuts times a factor determined by dividing the effective farm poundage quota, prior to any fall transfer, by the expected production for the farm. The loss of production for additional peanuts shall be determined by subtracting the loss of quota production from the total loss of production.

(3) If peanut quota is transferred from a farm under the fall transfer provisions in part 729 of this title, the loss of production of quota peanuts determined in paragraph (b)(2) of this section shall be reduced to the extent of such quantity transferred. If the transferred quota exceeds the loss of production of quota peanuts, no further reductions are required after the loss of production of quota peanuts has been completely voided.

(4) For the purposes of determining the total quantity of nonprogram crops that producers on a farm are able to harvest, the following quantities shall be excluded:

(i) Commodities which the county committee determines cannot be sold in normal commercial channels of trade; and

(ii) Dockage, including husks and shells, if such dockage is excluded in determining yields in accordance with § 1477.3, paragraphs (4) and (5) of the definition of disaster payment yield, excluding soybean disaster payment yields.

(c) Disaster payment rates shall be 65 percent of:

(1) The established target price for the applicable year's target price commodities for producers on farms enrolled in the applicable year's acreage reduction program;

(2) The basic county loan rate for the applicable year's target price commodities for producers on farms not enrolled in the 1990 and applicable year's acreage reduction program and acreage planted to the crop in excess of permitted acreage of such crop in accordance with 7 CFR 1413.11;

(3) The National price support level for quota and additional peanuts and quota kinds of tobacco;

(4) The applicable year's crop support price for sugar beets and sugarcane, determined by regions; and

(5) The simple average price received by producers for the marketing years for the immediately preceding five crops of the commodity, excluding the highest and lowest average prices in such period for all other eligible crops.

(d)(1) Disaster payments shall be made in an amount determined by multiplying: the amount producers are unable to harvest which is in excess of the amount specified in paragraph (b) of this section by the disaster payment rate specified in paragraph (c) of this section.

(2) With respect to eligible producers of target price commodities who are not participants in the applicable years acreage reduction program, and to producers enrolled in such programs who plant an enrolled program crop in excess of the permitted acreage of such crop in accordance with provisions of 7 CFR 1413.11 such computed disaster payment amount shall be reduced by an amount determined by multiplying the acreage reduction factor which was applicable for the crop of such commodity times the amount determined in accordance with paragraph (d)(1) of this section.

(e) Producers of target price commodities enrolled in the applicable year's acreage reduction program shall not be required to refund advance deficiency payment made to such producers with respect to that portion of losses up to 40 percent of expected production or, in the case of producers who had crop insurance on the commodity, up to 35 percent of expected production.

(f) Each eligible producer's share of a disaster payment shall be based on the eligible producer's share of the crop or the proceeds therefrom or, if no crop was produced, the share which the eligible producer would have otherwise received if the crop had been produced.

(g) Crops and land use for which disaster benefits are not applicable include:

(1) Crops not intended for harvest in the year for which disaster benefits are requested.

(2) By-products resulting from processing or harvesting an eligible crop, such as cotton seed, peanut shells, wheat or oat straw.

(3) Except for nursery crops, plants that produce an eligible crop, such as strawberry plants and orange tree.

(4) Acreage designated as ACR or CU/for payment.

(5) Crops for which the County Committee has determined are not eligible for acreage reduction program benefits as a result of failure to comply with contract provisions.

(6) Crops planted as replacement crops on failed or prevented from planted program crop acreage.

§ 1477.6 Establishment of different payment rates and yields for the same nonprogram crop.

Separate payment rates and yields for the same nonprogram crop shall be established, in accordance with instructions issued by the Deputy Administrator, when there is supporting data from NASS or other sources approved by CCC.

§ 1477.7 Filing application for payment.

(a) Applications for payment shall be filed by the applicant with the county ASCS office serving the county where the producer's farm is located for administrative purposes.

(b) An application for payment shall be filed as soon as practicable after the producer's eligibility has been established in accordance with § 1477.5(a). Applications for payment for 1990 and 1991 crop losses must be filed from February 3 through March 13, 1992. Producers who file such an application by March 13, 1992, shall have until March 27, 1992, to provide production evidence supporting such application.

(c) Any eligible producer who elected to devote all or a portion of a farm's permitted wheat or permitted feed grain acreage or up to 50 percent of a farm's permitted rice or upland cotton acreage to conservation or other uses in accordance with part 1413 of this chapter may request that disaster payments be made available under this part with respect to such acreage in lieu of any payment made available under part 1413 of this chapter. Approval of prevented planting or failed acreage requests will remain the responsibility of the county committee.

(d) If a farm was operated in 1990 by an operator who was not the same operator on the farm in 1991, CCC will accept an application for disaster from both operators, but both operators must agree in writing by March 27, 1992, as to the year for which payment will be provided. If the operators cannot agree with respect to such selection, no payments will be made to any producer on the farm for either year.

§ 1477.8 Availability of funds.

In the event the total amount of claims submitted under this part or part 1478 of this chapter during the initial application period or the subsequent application periods, respectively, exceeds the applicable appropriation for such period each payment shall be reduced by a uniform national percentage. Such payment reductions shall be applied after the imposition of applicable payment limitation provisions.

§ 1477.9 Report of acreage, production disposition, and indemnity payments.

(a)(1) Eligible producers shall report, in accordance with instructions issued by the Deputy Administrator, the acreage, production, and disposition of all commodities produced in an applicable year on an acreage for which an application for a disaster payment is filed. Such production reports submitted with respect to the initial application period must be submitted by March 27, 1992, and with respect to the subsequent application periods, by the date announced in the **Federal Register** by CCC.

(2) If there has been a disposition of crop production through commercial channels, the eligible producer must furnish documentary evidence of such disposition in order to verify the information provided on the report. Acceptable evidence shall include, but is not limited to, such items as the original or a copy of commercial receipts, peanut and tobacco marketing cards, gin records, CCC loan documents, settlement sheets, warehouse ledger sheets, elevator receipts or load summaries.

(3) If there has been a disposition of crop production other than through commercial channels, the eligible producer must furnish such documentary evidence as the county ASC committee determines to be necessary in order to verify the information provided by the producer.

(b) Eligible producers who have purchased crop insurance with respect to a crop for which a disaster payment is made must present evidence of the net amount of indemnity payment received (gross indemnity less premium paid) or to be received for each such crop in accordance with instructions issued by the Deputy Administrator.

§ 1477.10 Payment limitations.

(a) Disaster payments made to eligible producers shall be reduced as provided in this section. For the purpose of making such payment reductions, the term "producer" shall be considered to mean the term "person" as defined in § 1477.3. Payments for each eligible producer for each eligible commodity shall be reduced by the amount by which the sum of the disaster payment and the net amount of crop insurance indemnity payments (gross indemnity less premium) exceeds 100 percent of the expected production times the applicable basic payment rate established in accordance with § 1477.4.

(b) No person shall receive payments attributable to lost production under this part to the extent that such person receives benefits on such lost production under the livestock emergency provisions of Title VI of the Agricultural Act of 1949.

(c) No person shall receive payments under this part with respect to target price crops, peanuts, sugar beets, sugarcane, tobacco, soybeans, sunflowers, and nonprogram crops in excess of $100,000.

(d)(1) No person shall receive payments under this part for a specific

year, when combined with any benefits received for such year under the livestock emergency provisions of the Agricultural Act of 1949, in excess of $100,000.

(2) Persons filing an application during the initial sign-up period who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county ASCS office by March 13, 1992. Persons filing an application during the subsequent sign-up periods who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county office by the date specified in a notice published in the **Federal Register** by CCC.

(e) All disaster program applications submitted in accordance with this part shall be totaled at the end of the application period. In order to ensure that there is no duplication of benefits, deficiency payments made in accordance with part 1413 of this title and emergency livestock feed program benefits made in accordance with part 1475 of this title shall not be made with respect to any loss of production for which assistance is requested under this part. Accordingly, the quantity of the loss of production otherwise eligible for disaster assistance under this part on which a producer had previously obtained a deficiency payment or an emergency livestock feed program benefit shall be reduced. In order to make such a reduction, the deficiency payments and emergency livestock feed program benefits shall be adjusted by a national factor obtained by:

(1) Dividing the sum of the $995 million appropriation and such reduced payments by

(2) The total amount of claims submitted under this part.

(f) For the purpose of determining the payment limitation imposed by this section, disaster payments shall be attributed to each eligible producer in accordance with § 1477.5(f). The reduction of any eligible producer's disaster payment share shall not increase the disaster payment share of any other producer.

§ 1477.11 Special provisions for burley and flue-cured tobacco, and peanuts.

(a)(1) For burley and flue-cured tobacco, the undermarketings from the applicable crop year that may be considered when determining the effective farm marketing quota for the year succeeding the disaster crop year shall be the applicable crop year's actual undermarketing less the quantity of the loss of production for which an disaster payment is made for the respective kind of tobacco.

(2) If quota is leased and transferred from the farm under natural disaster provisions of parts 723 of this title, any disaster payment that was determined before such lease and transfer was approved shall be recomputed according to § 1477.5. The farm marketing quota that is in effect after such lease and transfer shall be used when recomputing the disaster payment. The amount of any overpayment that results from the recomputation shall be refunded with interest as provided in § 1477.12(b).

(b)(1) For peanuts, the undermarketings from the applicable year's crop that may be claimed when determining future poundage quotas shall be the applicable year's actual undermarketings less the quantity of the loss of production for which a applicable year's disaster payment is made on the basis of the national support level for quota peanuts. This reduction could exceed the actual undermarketings which would result in "negative" undermarketings shall be taken into consideration when determining the subsequent year's effective farms poundage quota.

(2) If quota is transferred from the farm under the fall transfer provisions of part 729 of this title, any disaster payment that was determined before such transfer was approved shall be recomputed according to the provisions in § 1477.5. The amount of any overpayment that results from the recomputation shall be refunded with interest as provided in § 1477.13(b).

§ 1477.12 Misrepresentation, scheme and device, and fraud.

(a) If CCC determines that any producer has erroneously represented any fact or has adopted, participated in, or benefitted from, any scheme or device which has the effect of defeating, or is designed to defeat the purpose of this part, such producer shall not be eligible for disaster payments under this part and all payments previously made to any such producer shall be refunded to CCC. The amount paid to CCC shall include any interest and other amounts as determined in accordance with this part.

(b) If any misrepresentation, scheme or device, or practice has been employed for the purpose of causing CCC to make a payment with CCC under this part otherwise would not make, all amounts paid by CCC to any such producer shall be refunded to CCC together with interest and other amounts as determined in accordance with this part, and no further disaster payments shall be made to such producer by CCC.

(c) If the county committee determines that any producer has adopted or participated in any practice which tends to defeat the purpose of the program established in accordance with this part, the county committee shall withhold or require to be refunded all or part of the payments which otherwise would be due the producer under this part.

§ 1477.13 Refunds to CCC.

(a) In the event that there is a failure to comply with any term, requirement, or condition for payment made in accordance with this part, all such payments made to the producer shall be refunded to CCC, together with interest.

(b) Interest shall be charged with respect to any refund which is determined to be due CCC at the rate of interest which CCC is required to pay for its borrowing from the United States Treasury as of the date of the disbursement by CCC of the moneys to be refunded. Interest shall accrue from the date of such disbursement by CCC. Upon the sending of the notification of the debt by CCC to the producer, the account shall bear late payment charges to be assessed in accordance with the provisions of, and subject to the rates prescribed in, part 1403 of this chapter. If, for any reason, no late payment charges may be assessed with respect to such account under the provisions of part 1403 of this chapter, additional charges on the account will accrue at the rate equal to the applicable rate for CCC borrowing from the United States Treasury plus three percent per annum.

(c) Producers must refund to CCC any excess payments made by CCC.

(d) In the event that the loss of production was established as a result of erroneous information provided by any person to the county ASCS office or was erroneously computed by such office, the loss of production shall be recomputed and the payment due shall be corrected as necessary. Any refund of payments which are determined to be required as a result of such recomputation shall be remitted to CCC.

§ 1477.14 Cumulative liability.

(a) The liability of any producer for any payment or refund which is determined in accordance with this part to be to CCC shall be in addition to any other liability of such producer under any civil or criminal fraud statute or any other statute or provision of law including, but not limited to, 18 U.S.C. 286, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729.

(b) Producers earning benefits shall be liable for any required repayment of deficiency payments on a farm not paid by another producer on that farm.

§ 1477.15 Appeals.

Reconsideration and review of all determinations made in accordance with this part with respect to a farm or an individual producer shall be made in accordance with part 780 of this title.

§ 1477.16 Liens.

Any payment which is due any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, and the proceeds thereof, which may be asserted by any creditor, except agencies of the United States Government.

§ 1477.17 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The minor establishes the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1477.18 Death, incompetency, or disappearance.

In the case of death, incompetency of disappearance, of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1477.19 Other regulations.

The following regulations and amendments thereto shall also be applicable to this part:

(a) Part 12 of this title, Highly Erodible Land and Wetland Conservation;

(b) Part 707 of this title, Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent;

(c) Part 719 of this title, Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage;

(d) Part 723 of this title, Tobacco;

(e) Part 729 of this title, Peanuts.

(f) Part 780 of this title, Appeal Regulations;

(g) Part 790 of this title, Incomplete Performance Based Upon Action or Advice of an Authorized Representative of the Secretary;

(h) Part 796 of this title, Denial of Program Eligibility for Controlled Substance Violation;

(i) Part 1403 of this chapter, Debt Settlement, Policies and Procedures;

(j) Part 1413 of this chapter, Feed Grain, Rice, Upland and Extra Long Staple Cotton, Wheat and Related Programs;

(k) Part 1478 of this chapter; Tree Assistance Program;

(l) Part 1497 of this chapter; Payment Limitation; and

(m) Part 1498 of this chapter, Foreign Persons Ineligible for Program Benefits.

§ 1477.20 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements of this part have been approved by the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and designated OMB No. 0560–0050, 0560–0004, and 0560–0092.

2. 7 CFR part 1478 is revised to read as follows:

PART 1478—TREE ASSISTANCE PROGRAM

Sec.

Authority: 15 U.S.C. 714b and 714c; 7 U.S.C. 1421 note, Pub. L. 102–624; Pub. L. 102–229.

§ 1478.1 General statement.

(a) The regulations in this part set forth the terms and conditions of the Tree Assistance Program (TAP) authorized by Title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990, ("the 1990 Act"). Within specified limits, the Commodity Credit Corporation (CCC) is authorized by the 1990 Act to:

(1) Reimburse eligible owners for part of the cost of replanting seedlings to offset losses by an eligible orchardist for trees that were planted in any year to produce annual crops for commercial purposes but were lost due to freeze, earthquake, or related condition in 1990, 1991, or 1992; and,

(2) Reimburse eligible owners for part of the cost of replanting seedlings which would have produced trees to be harvested for commercial purposes which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990 ("1990 losses"), or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991 ("1991 losses"), or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992 ("1992 losses").

(b) Such assistance may not exceed 65 percent of the eligible reseeding costs and may be based on average costs or the actual costs for the replanting practices as determined by the CCC which, after adjustments for normal mortality, exceed a percentage loss of 35 percent, as determined by CCC.

§ 1478.2 Administration.

(a) This part shall be administered by CCC under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by State and county Agricultural Stabilization and Conservation (ASC) committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 1478.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons and things, words importing the plural include the singular, words importing the masculine gender include the feminine, and words used in the present tense include the future as well as the present.

(b) The following terms contained in this part shall have the following meanings:

Annual gross revenue means with respect to a person, as defined in part 1497 of this chapter:

(i) For a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the total gross income received from such operations; and,

(ii) Receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the total gross income from all sources.

(iii) The determinations made in accordance with 7 CFR 1497.3 shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

(iv) The year for which the annual gross income shall be reviewed for the purpose of this definition shall be the tax year preceding the year during which the losses occurred.

Approving official means a representative of CCC who is authorized by the Executive Vice President, CCC, to approve an application for assistance made in accordance with this part.

ASCS means the Agricultural Stabilization and Conservation Service.

CCC means the Commodity Credit Corporation.

County means a county or similar geographic area as determined by CCC.

DASCO means the Deputy Administrator, or Acting Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture.

Eligible owner. (i) Eligible owner means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity who owned the trees at the time the natural disaster occurred, and includes:

(A) Any Indian tribe under the Indian Self-Determination and Education Assistance Act;

(B) Any Indian organization or entity chartered under the Indian Reorganization Act;

(C) Any tribal organization under the Indian Self-Determination and Assistance Act; and,

(D) Any economic enterprise under the Indian Financing Act of 1974 which meets the requirements of this part.

(ii) In addition, in determining whether an individual or other entity is an eligible owner, such person, as determined under part 1497 of this chapter, must with respect to a request for relief for losses of trees planted to produce annual crops, not own more than 500 acres of such trees, and with respect to a request for relief for losses of seedlings planted to produce trees for harvest, not own more than 1,000 acres of such trees. Also, in order to be eligible for payments under this part a person, as defined under Part 1497 of this chapter, must not also have annual gross revenue in excess of $2 million, as determined under such this part.

Eligible trees or *eligible seedlings.* (i) Eligible trees or eligible seedings means trees or seedlings as appropriate, which are determined by CCC to have been planted for:

(A) The production of wood products, fruit, nuts, syrup, or similar products, or,

(B) Harvest as Christmas trees.

(ii) Such trees or seedlings must be planted in the ground and may not be trees or seedlings planted in containers, or in other devices which are not placed in the ground, trees or seedlings grown from seed at the site, trees or seedlings produced for resale in a live condition, ornamental trees or seedlings, bushes, shrubs, vines and similar plants, and windbreaks, shelterbelts and wildlife enhancement plantings. In addition, if the request for assistance is for trees planted to produce annual crops the losses must be due to freeze, earthquake, or related condition; and, if the request for assistance is for seedlings planted to produce trees for harvest, the losses must be due to drought, earthquake, or related condition.

Executive Vice President means the Executive Vice President, CCC, or a designee of the Executive Vice President.

Harvest means the removal of the tree from the ground by the cutting and removal of the whole tree at its base in a manner which separates the tree from its root system.

Individual stand means an area of eligible trees which are tended to by an eligible owner as a single operation, whether or not such trees are planted in the same field or similar location, as determined by CCC. Differing species of trees in the same field or similar area may be considered to be separate individual stands if CCC determines that the species have significantly differing levels of freeze, drought, or earthquake susceptibility.

Local county office means with respect to individual stands of eligible trees which are grown on a farm:

(i) Which has been assigned an ASCS farm serial number, the county ASCS office which services such farm; or

(ii) Which has not been assigned an ASCS farm serial number, the county ASCS office which services the county in which such stand is located.

Normal mortality means;

(i) With respect to a request for relief for trees planted to produce annual crops the average extent of plant death on the individual stand which normally would have occurred with respect to eligible seedlings during the 12 months previous to the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly effect seedling or tree survival rates in the local area, as determined by the county committee in accordance with instructions issued by DASCO.

(ii) with respect to a request for relief for seedlings planted to produce trees for harvest the average extent of plant death on the individual stand which normally would have occurred with respect to eligible seedlings during the period between the time of planting and the time of the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly effect seedling or tree survival rates in the local area, as determined by the county committee in accordance with instructions of DASCO.

Operator means a person who is in general control of the tree farming operations as determined by CCC.

Seedling means a tree which was planted in the ground for commercial purposes and is of a size which CCC determines is:

(i) Normally planted in the ground and;

(ii) Does not exceed the size which is normally considered seedling size for the particular species of an eligible tree.

State means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

State committee, State office, county committee, or *county office,* means the respective ASC committee or ASCS office.

Subsequent signup period means the signup period for assistance for 1990, 1991, or 1992 losses which will be held only if the President declares an economic emergency as specified in Public Law 102–229.

(c) In the regulations in this part and in all instructions, terms, and documents in connection therewith, all other words

and phrases specifically relating to ASCS operations shall, unless the context of the subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases in part 719 of this title.

§ 1478.4 Program availability.

A request for assistance under this part made available during the initial signup period must be submitted to CCC at the county office in the county where the farm is located by March 13, 1992 (or such other date as established by CCC). A request for assistance under this part made available during the subsequent signup period must be submitted at the county office by the date specified in a notice published by CCC in the **Federal Register.** Eligible owners shall not receive assistance under this part with respect to losses of seedlings which were:

(a) Planted under the Conservation Reserve Program; or

(b) The subject of any cost-share assistance or other assistance under any other Federal program, unless approved in writing by DASCO.

§ 1478.5 Qualifying loss.

(a) A person shall be eligible to receive assistance under this part with respect to losses due to drought, freeze, earthquake, or related condition in 1990, 1991, or 1992, only if such owner is an eligible owner, as defined in this part and has sustained a qualifying loss of eligible tree seedlings or trees as determined by CCC. The only type of losses which may be considered qualifying are the following:

(1) A loss by an eligible owner who is an orchardist who is the owner of eligible trees planted in any year for commercial purposes which are lost as a result of a freeze, earthquake, or related condition in 1990, 1991, 1992 as determined by the county ASC committee in accordance with instructions of DASCO; or

(2) A loss by an eligible tree farmer who grows trees for harvest for commercial purposes and is the owner of eligible tree seedlings which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990, or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991, or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992 as determined by the county committee in accordance with instructions of DASCO.

(b) Qualifying loss determinations shall be made on an individual stand basis. A qualifying loss shall be the loss for the individual stand of eligible tree seedlings or eligible trees, as appropriate, after taking into account the normal mortality of such seedlings, trees, or seedlings and trees as appropriate, on such stand, in excess of 35 percent mortality (adjusted for normal mortality). Qualifying losses shall not include losses which could have been prevented through readily-available horticultural measures.

(c) When visible evidence of losses no longer exists on the site where the trees were planted, acceptable evidence as determined in accordance with instructions issued by DASCO must be established for COC to qualify the individual stand for the program.

§ 1478.6 Eligible costs.

(a) Payments under this part shall be made by CCC and may be made only to the extent that payment is specifically provided for in this part. CCC shall, under this part, to the extent of the availability of funds, reimburse an eligible owner for 65 percent of the eligible costs of planting seedlings, not in excess of the number of seedlings or trees constituting the qualifying loss, to the extent that CCC determines that such costs are reasonable, and are to replace the number of trees or seedlings constituting the qualifying loss. Such reimbursement may be based on average costs or the actual costs for the replanting practices, as determined by CCC. If the costs are to replace lost trees, the costs shall only be for replacement seedlings of a size and quality determined by CCC to be sufficient for that purpose. The costs for which cost-sharing shall be permitted shall be only the costs which are the cost of the seedlings, site preparation measures that are both normal cultural practices for the type of individual stand being reestablished and necessary to ensure successful plant survival, chemicals and nutrients if needed to ensure successful plant survival, and labor used to physically plant such seedlings as based on standard labor rates as determined by the county committee. Eligible costs specifically exclude items such as fencing, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and tree stand improves, not in excess of the number of seedlings or trees constituting the qualifying loss, to the extent that CCC determines that such costs are reasonable, and are to replace the number of trees or seedlings constituting the qualifying loss. Such reimbursement may be based on average costs or the actual costs for the replanting practices, as determined by the CCC. If the costs are to replace lost seedlings, such costs for replacement seedlings shall be limited by the cost needed to plant seedlings that are as similar as possible in size and value to those originally planted and subsequently destroyed. If the costs are to replace lost trees, the costs shall only be for replacement seedlings of a size and quality determined by CCC to be sufficient for that purpose. The costs for which cost-sharing shall be permitted shall be only the costs which are the cost of the seedlings, site preparation measures that are both normal cultural practices for the type of individual stand being reestablished and necessary to ensure successful plant survival, chemicals and nutrients if needed to ensure successful plant survival, and labor used to physically plant such seedlings as based on standard labor rates as determined by the county committee. Eligible costs specifically exclude items such as fencing, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and tree stand improvements.

(b) Eligible costs shall not include costs incurred for replanting species of seedlings differing significantly from the species of the seedlings or trees constituting the qualifying loss except as approved by CCC. If such substitution is approved, eligible costs shall be the lesser of:

(1) The actual eligible costs incurred; or

(2) The estimated eligible costs which otherwise would have been incurred.

(c) Eligible costs shall only include costs approved within the limits set by this part including, but not limited to, those limits set forth in paragraph (a) of this section. Eligible costs include costs incurred before an application for payment is submitted to CCC. Eligible costs shall only include those costs for which the eligible owner has submitted documentation determined by CCC to adequately document such costs.

(d) The amount of assistance which shall be paid by CCC, shall not exceed the lesser of 65 percent of the eligible costs actually incurred by an eligible applicant from replanting the qualifying loss, or 65 percent of the estimated average cost to replant the qualifying loss, as established by CCC.

§ 1478.7 Payment.

(a) Applications for payment shall be filed by the eligible owner with the local ASCS office and shall contain an estimate by the applicant of the number of seedlings or trees which constitute the qualifying loss and the amount of the

acreage of the individual stands with respect to which the loss was suffered.

(b)(1) The county committee or a designee may conduct field reviews to determine the actual qualifying loss and the acreage of individual stands with respect to which the loss was suffered. The county committee and, if designated by the county committee, the county executive director, are authorized, subject to the provisions of this part, to approve or disapprove all applications, subject to the limitations and conditions of this part, provided the applicant is not a county committee member or an ASCS employee.

(2) The State committee, or a designee, is authorized to approve or disapprove applications of the county committee members and all ASCS employees except an application which may be submitted by the State Executive Director, or by a State Committee member.

(3) DASCO, or a designee, shall approve or disapprove applications of State committee members and the State Executive Director.

(4) All applications forwarded to a higher authority for consideration shall be accompanied by committee recommendations. No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and any other information, including knowledge of the county and State committee members concerning the owner's normal operations, shall be taken into consideration in making recommendations and approvals. If information furnished by the owner is incomplete or ambiguous and sufficient information is not otherwise available with respect to the owner's farming operations in order to make a determination as to the owner's eligibility, the owner's application shall not be approved until sufficient additional information is provided by the owner.

(c) Payments to each eligible owner may be reduced on a pro rate basis in the event claims for assistance under this part and part 1477 of this chapter exceed appropriated amounts. Such payment reductions shall be applied after the imposition of the $25,000 per person payment limitation.

§ 1478.8 Obligations of an eligible owner.

(a) Eligible owners must submit a request for assistance on a form approved by CCC and must also submit all documentation requested by the appropriate official which is necessary to make determinations specified in this part.

(b) Eligible owners must:

(1) Comply with all terms and conditions of this part;

(2) Execute all required documents; and

(3) Comply with all applicable noxious weed laws.

(c) In the event of a determination by CCC that a person was erroneously determined to be eligible or has become ineligible for all or part of a payment made under this part for any reason, including a failure to comply with the terms and conditions of this part, or other condition for payment imposed by the county or State ASC committee, or DASCO, such person shall refund any payment paid under this part together with interest. Such interest shall be charged at the rate determined for late payment charges under part 1403 of this chapter and computed from the date of disbursement by CCC of the payment to the date of the refund.

(d) Eligible owners are not required to implement replanting practices before payment is provided by CCC. Eligible owners who are paid before they implement their practices will be given 24 months after payment to complete their practices. In cases where delays beyond this practice expiration date occur which are determined by DASCO to have occurred due to no fault of the applicant, the eligible owner may be provided an extension of their practice expiration date by DASCO. Eligible owners who have been paid who choose not to implement their practices by the final practice expiration date are required to refund their payments with interest. Such refund amounts may be reduced by CCC, at CCC's discretion, when only part of the required replanting practice is not implemented.

(e) Eligible owners must allow representatives of CCC to visit the site for the purposes of quantifying mortality and certifying practice completion.

§ 1478.9 Payment limitations.

(a) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce annual crops shall not exceed $25,000 for 1990 losses, $25,000 for 1991 losses, and $25,000 for 1992 losses, respectively.

(b) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce trees for harvest shall not exceed $25,000 for 1990 losses, $25,000 for 1991 losses, and $25,000 for 1992 losses, respectively.

§ 1478.10 Liens and claims of creditors; set-offs.

Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien in favor of any person except agencies of the U.S. Government. The regulations governing set-offs and withholdings found at part of this chapter shall be applicable to this part.

§ 1478.11 Appeals.

Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at part 780 of this title.

§ 1478.12 Misrepresentation and scheme or device.

(a) A person who is determined by the State committee or the county committee to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination shall be ineligible to receive assistance under this program.

(b) All moneys paid by CCC under this part to any such person or to any other person as a result of such person's actions shall be refunded to CCC with interest together with such other sums as may become due. The party engaged in acts prohibited by this section and the party receiving payment shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided to CCC in this part shall be in addition to other civil, criminal, or administrative remedies as will apply.

§ 1478.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The minor establishes the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the

applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1478.14 Death, incompetency, or disappearance.

In the case or death, incompetency of disappearance, of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1478.15 Other regulations.

In addition to any other regulations as may be applicable, the following regulations shall also apply to this part:

(a) Part 12 of this title, Highly Erodible Land and Wetland Conservation;

(b) Part 780 of this title, Appeal Regulations;

(c) Part 790 of this title, Incomplete Performance Based Upon Action or Advice of an Authorized Representative of the Secretary;

(d) Part 791 of this title, Authority to Make Payments When There Has Been a Failure to Comply with the Program;

(e) Part 796 of this title, Denial of Program Eligibility for Controlled Substance Violations;

(f) Part 1403 of this chapter, Debt Settlements, Policies and Procedures;

(g) Part 1413 of this chapter, Feed Grain, Rice, Upland and Extra Long Staple Cotton, Wheat and Related Programs;

(h) Part 1477 of this chapter, Disaster Payment Program for 1990 and Subsequent Crops;

(i) Part 1497 of this chapter, Payment Limitation; and

(j) Part 1498 of this chapter, Foreign Persons Ineligible for Program Benefits.

§ 1478.16 Paperwork Reduction Act assigned numbers.

The information collection requirements of this part have been submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and the OMB Number 0560–0079 has been assigned.

Signed at Washington, DC on March 27, 1992.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92–7497 Filed 3–27–92; 3:32 pm]

BILLING CODE 3410–05–M

Reader Aids

Federal Register

Vol. 57, No. 62

Tuesday, March 31, 1992

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202-523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

7315-7530.....2
7531-7644.....3
7645-7874.....4
7875-8058.....5
8059-8256.....6
8257-8396.....9
8397-8568.....10
8569-8718.....11
8719-8834.....12
8835-9040.....13
9041-9166.....16
9167-9380.....17
9381-9500.....18
9501-9648.....19
9649-9972.....20
9973-10118.....23
10119-10280.....24
10281-10414.....25
10415-10608.....26
10609-10736.....27
10737-10800.....30
10801-10972.....31

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6407.....7873
6408.....8255
6409.....8395
6410.....8835
6411.....9041
6412.....9647
6413.....9645
6414.....9971
6415.....10119
6416.....10413
6417.....10737

Executive Orders:
12748 (See OPM regulation of March 24, 1992).....10121
12543 (See DOT final rule of March 17).....10798
12544 (See DOT final rule of March 17).....10798
12754 (Amended by EO 12790).....8057
10582 (See DOL notice of March 3, 1992).....8493
10879 (Superseded by EO 12793).....10281
12073 (See DOL notice of March 3, 1992.....8493
12555 (See USIA notice of March 6, 1992).....8792
12555 (See Customs rule of March 18, 1992).....9975
12777 (See DOT final rule of March 3, 1992.....8581
12790.....8057
12753 (Superseded by EO 12791).....8717
12791.....8717
12792.....9165
12793.....10281

Administrative Orders:
Presidential Determinations:
No. 92-15 of February 18, 1992.....7315
No. 92-16 of February 18, 1992.....7317
No. 92-17 of February 26, 1992.....8569
No. 92-18 of February 28, 1992.....8571
Memorandums:
February 18, 1992.....7521

5 CFR

9.....10121
212.....10121
213.....10121
214.....10121
300.....10121
305.....10121
317.....10121
319.....10121
335.....10121
338.....10121
352.....10121
353.....10121
359.....10121
430.....7319
432.....10121
532.....7533
534.....10121
536.....10121
591.....10121
630.....10121
890.....10609, 10610

Proposed Rules:
842.....7666
843.....7666

7 CFR

2.....9649
34.....9043
360.....8837
905.....10612
1477.....10960
1478.....10960

Proposed Rules:
246.....9505

8 CFR

Proposed Rules:
Ch. I.....10743

9 CFR

Proposed Rules:
317.....10298-10300
320.....10298
381.....10298-10300

10 CFR

2.....8519

Proposed Rules:
Ch. I.....7327, 7893, 9985
35.....8282, 10143
61.....8093
73.....7645
Ch. II.....7327, 9985
Ch. III.....7327
Ch. X.....7327

11 CFR

106.....8990

12 CFR

204.....8059

225.....9973
Ch. III.....10415
323.....9043
325.....7646
337.....7647

Proposed Rules:
8.....8424
204.....8096
Ch. III.....8282
337.....7669
563.....8732
603.....8851
615.....7672
1102.....10143

13 CFR

122.....8573

14 CFR

21.....8719, 9167
23.....8719
29.....9167
39.....7649, 8060–8063, 8257–8261, 8574–8576, 8721–8724, 8839, 9155, 9168, 9171, 9381, 9382, 9974, 10126–10132, 10285, 10415–10422, 10801–10803
71.....9641, 10804
73.....8840
97.....8397, 8400, 9660, 9662
135.....9944

Proposed Rules:
Ch. I.....7893, 10836
21.....9513
23.....9513
39.....7328–7338, 7559–7562, 7673–7684, 7894, 7895, 8585, 8734, 9077, 9078, 9215, 9392–9394, 10301, 10443, 10617, 10618, 10743–10747, 10836–10840, 10844
71.....10303–10306, 10841–10843, 10846–10848
91.....8830
107.....8834
108.....8834

15 CFR

Proposed Rules:
Ch. II.....10620
Ch. IX.....8964

16 CFR

4.....10804

Proposed Rules:
1211.....9395
1500.....7686

17 CFR

200.....10614
229.....10614
230.....10614
239.....9828, 10614
240.....10614
249.....10614
269.....10614
274.....9828

Proposed Rules:
4.....7435
210.....9768
228.....9768
229.....9768
230.....9768, 9825
239.....9768
240.....9768
249.....9768
260.....9768
Ch. IV.....9401

18 CFR

4.....10809

Proposed Rules:
Ch. I.....10621, 10622
152.....9515
401.....9401

19 CFR

12.....8725, 9975

Proposed Rules:
Ch. I.....8283

20 CFR

416.....10286

Proposed Rules:
603.....10064
660.....10232

21 CFR

5.....10287
14.....8064
81.....10615
101.....8174, 10522
106.....7435
172.....9472
173.....8065
175.....10809
176.....10615
177.....10615
178.....10810
182.....10811
184.....10615, 10811
225.....10287
312.....10813
500.....10287
510.....7651, 8577, 10287
511.....10287
514.....10287
520.....7651, 8577
524.....7651
530.....10287
546.....7651, 8961
548.....7652
558.....7651, 7652, 8402, 8577, 10287
571.....10287
573.....7875
606.....10813
610.....10813
630.....10813
640.....10813
1308.....10814

Proposed Rules:
5.....8188, 8189
20.....8177, 8188
100.....8179, 8188
101.....8177, 8183, 8185–8191
105.....8188, 8189
130.....8184, 8188
310.....8586
340.....9346
357.....7647, 8586
821.....10702
890.....7339
1308.....9080

22 CFR

Proposed Rules:
514.....8428

23 CFR

635.....10062

Proposed Rules:
658.....9900

24 CFR

200.....9602, 10424
203.....9602, 10424
234.....9602, 10424
905.....8065
965.....8065
968.....8065

Proposed Rules:
570.....8519
3280.....8284

26 CFR

1.....8073, 8961, 9172, 9209, 9384, 9599, 10134, 10289, 10739, 10815–10817, 10951–10954
48.....7653
54.....10289
301...7545, 9975, 10134, 10290
602.....9050, 9172

Proposed Rules:
1.....7340, 7347, 7563, 8098, 9217, 10626

27 CFR

Proposed Rules:
Ch. I.....8101

28 CFR

0.....7876
16.....8262, 8263
544.....9211

29 CFR

102.....9977
1910.....7847, 7877
1926.....7877
1952.....10819
2676.....8840

Proposed Rules:
103.....7897
1625.....10626
1910.....8101

30 CFR

77.....7468

Proposed Rules:
56.....8102
57.....8102
58.....7900
70.....8102
71.....8102
72.....7900
75.....8102
77.....8102
100.....9518
701.....8102
780.....8102
784.....8102
816.....8102
817.....8102

31 CFR

500.....9052
550.....10798
555.....10291
580.....10852

Proposed Rules:
91.....7686
92.....7686
100.....7686
103.....10307
Ch. II.....8286
Subchapter A.....7564
205.....10098, 10951
349.....10748
356.....10748

32 CFR

155.....7878
287.....8074
350.....7547
519.....9501

33 CFR

100.....8419
117.....7655, 7879, 9386
147.....9053, 9054
165.....8265
207.....10244
402.....10522

Proposed Rules:
100.....7348, 10308, 10849
110.....10308
117.....8428, 10321, 10322
143.....10149
154.....8708
155.....9402
162.....8852
165.....10308
402.....8103

34 CFR

642.....9004
643.....9004
644.....9004
645.....9004
646.....9004
652.....10724
668.....9004
770.....9350
791.....8996

Proposed Rules:
664.....9617
770.....9374

36 CFR

Proposed Rules:
7.....10850
217.....10444
1202.....9672
1228.....9673
1250.....9672
1254.....9672
1258.....9676
1260.....9677

38 CFR

3.....7847, 8267, 8578, 10424
4.....10134
36.....7655

Proposed Rules:
3.....10449, 10853
4.....10450
14.....8852
21.....9081

39 CFR

20.....9977

Proposed Rules:
20.....10151
111.....9402, 10244

40 CFR

35.....8074

47 8390
52 ..... 7549, 7550, 8075–8082, 8268, 9388, 10136–10140
61 8012
148 8086
180 8841–8844
185 10291
261 7628
264 8086
265 8086
268 8086
271 ..... 7552, 7553, 7321, 8089, 9389, 9501, 9978
281 8420
721 9995
799 7656

Proposed Rules:
Ch. I 7564, 8286
50 8429
52 ..... 7900, 8104, 9678, 10749
58 ..... 7636, 7687
61 8017
80 10323
86 10853
122 8522
123 8522
124 8522
180 ..... 7701, 7703, 8106, 8736–8739, 10324
261 ..... 7636, 9518, 10629
271 9525
501 8522
721 ..... 9983, 10326
750 7349
761 7349

41 CFR

301–9 8090
301–11 8090

42 CFR

124 8271
417 8194
431 8194
434 8194
483 8194
484 8194
489 8194
498 8194
1001 9669
1002 9669
1003 9669
1004 9669
1005 9669
1006 9669
1007 9669

Proposed Rules:
411 8588
483 8961

43 CFR

20 10293
3150 9010
3165 9010

Public Land Orders:
6925 10426

Proposed Rules:
3100 8605
3150 9014
3160 9014

44 CFR

64 ..... 9503, 10832
65 ..... 9055, 9056
67 ..... 9059, 9212
353 10834

Proposed Rules:
67 9082

45 CFR

1611 8578
Ch. XXIV 7321

Proposed Rules:
641 7355

46 CFR

10 7326
68 7640
502 9984

Proposed Rules:
2 10149
67 10544
381 8287

47 CFR

0 8579
1 ..... 7879, 8272, 8579
2 8272
5 7879
13 9063
43 ..... 8579, 9670
63 7883
73 ..... 7660, 7661, 7885, 7886, 8278, 8421, 8422, 8580, 8581, 8726, 8845, 9504, 10293, 10294, 10427, 10428, 10741, 10742
76 ..... 8278, 8845
80 ..... 8727, 9063
90 8422
95 8272

Proposed Rules:
1 9528
18 10453
73 ..... 7704, 7902, 8430, 9530, 9680, 9996, 9997, 10327 10454, 10749, 10750
90 8854

48 CFR

502 9212
513 7555
522 7555

Proposed Rules:
505 8854
509 10454
515 8854
516 8854
517 8856
538 8854
552 ..... 8854, 8856
1512 8612
1516 8612
1552 8612
1809 8279
5446 8740
5452 8740

49 CFR

1 ..... 8581, 10062
391 10295
587 7556
663 10834
1118 9213

Proposed Rules:
9 9224
110 7474
198 7705
383 9100
571 ..... 7712, 10327, 10855
1001 8858
1033 10328
1035 10151
1039 ..... 9997, 10328
1141 8108
1048 8430
1313 9997

50 CFR

285 8728
620 9076
625 8582
646 7886
663 10429
672 ..... 8280, 8583, 8849, 10142, 10297, 10430
675 ..... 8583, 8584, 8850, 9599, 10430
681 10437
685 ..... 7661, 10062

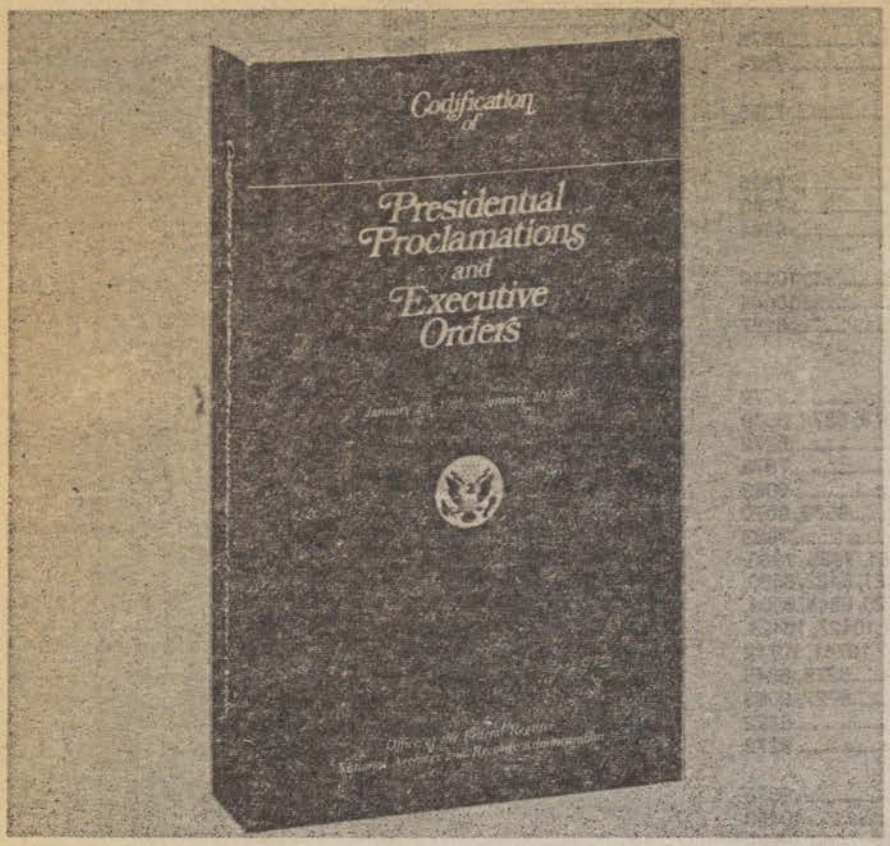
Proposed Rules:
17 ..... 9680, 9681
23 ..... 7713, 7719

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List March 25, 1992

.... Order now ! . . . .



For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Administration

---

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
* 6661

Charge your order. It's Easy!

To fax your orders (202)–512–2250

☐ **YES**, please send me the following:

_____ copies of CODIFICATION OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS. S/N 069-000-00018-5 at $32.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (12/91)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954